

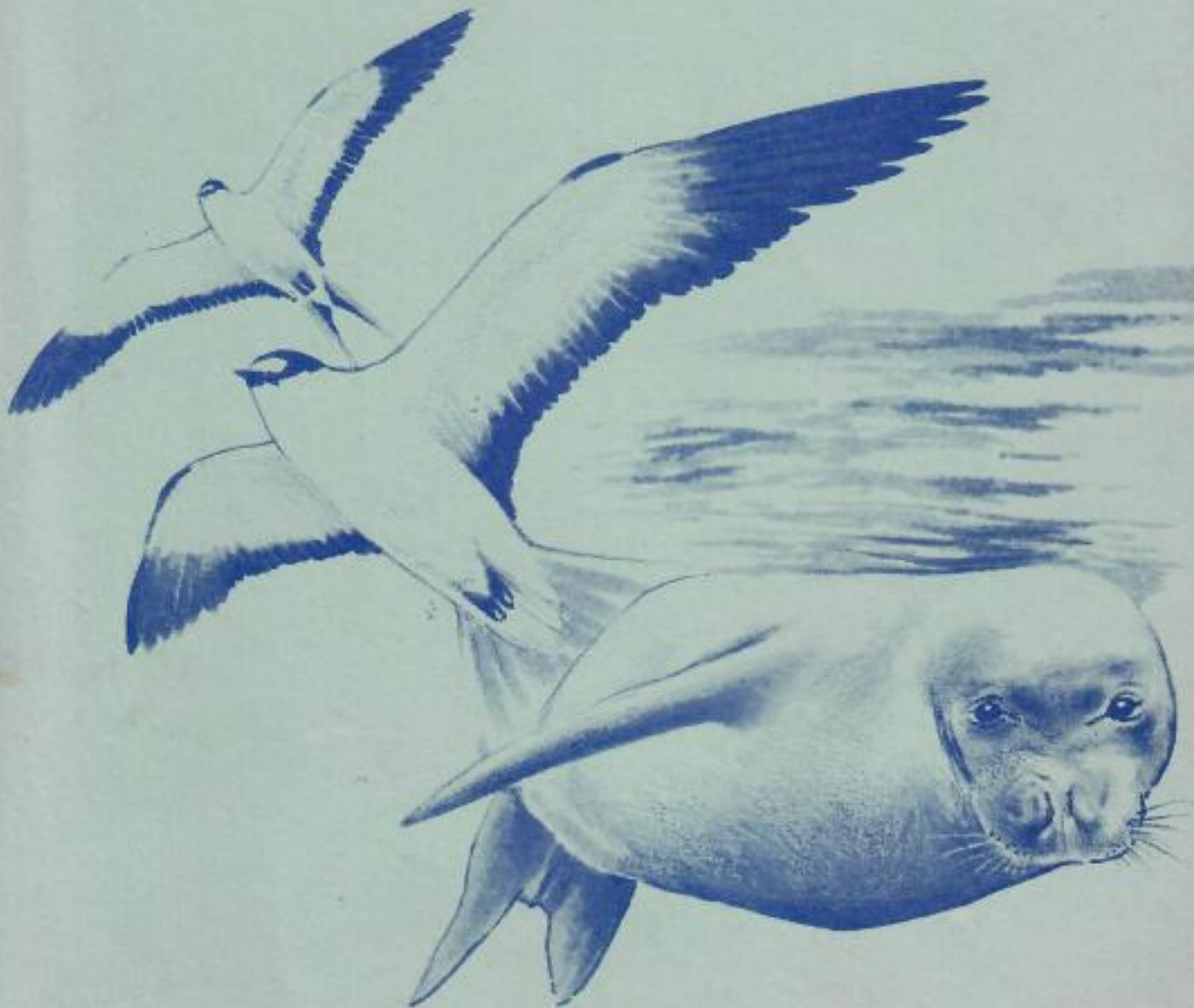
# **viii**

**APPENDICES**

BALAZS

# HAWAIIAN ISLANDS NATIONAL WILDLIFE REFUGE

MASTER PLAN/ENVIRONMENTAL IMPACT STATEMENT



Department of the Interior  
U.S. Fish and Wildlife Service    Region One

1986

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The Hawaiian Islands National Wildlife Refuge Master Plan/Environmental Impact Statement was prepared for the Department of the Interior by the U.S. Fish and Wildlife Service, Region One, Pacific Islands Office, Office of the Administrator, P.O. Box 50167, Honolulu, Hawaii 96850. The following is a list of the primary preparers who developed various sections of the document and/or participated to a significant degree in the planning process.

<u>Name</u>	<u>Qualifications</u>	<u>Participation</u>
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## Appendices

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- Principle author of endangered species sections of Locational Criteria and Output Summaries. Contributed significantly to endangered species portions of Alternatives Section, Environmental Consequences Section, and Affected Environment Section.
- Assisted in the coordination of final stages of the Master Plan/EIS preparation and public review.

## Appendices

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Executive Director  
1625 Eye Street, NW  
Washington, DC 20006 (12 copies)

Sierra Club Hawaii Chapter  
P. O. Box 11070  
Honolulu, HI 96828

Mr. Chuck Johnston  
Hawaii Fishing News  
6650 Hawaii Kai Drive, #201  
Honolulu, HI 96825

Congress of Hawaiian People  
c/o Ellamae Kupau  
Frances Schuman Realty  
P. O. Box 25427  
Honolulu, HI 96825

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## Appendices

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Society for Hawaiian Archaeology  
P. O. Box 22911  
Honolulu, HI 96822

President  
Hawaii Audubon Society  
P. O. Box 22832  
Honolulu, HI 96822

Conservation Council for Hawaii  
P. O. Box 2923  
Honolulu, HI 96819

Ms. Sue Difloure White  
Greenpeace Hawaii  
19 Niolopa Place  
Honolulu, HI 96817

The Outdoor Circle  
200 N. Vineyard Boulevard  
Honolulu, HI 96817

Mr. Gary L. Naftel  
Hawaiian Shrimp Company  
737 Bishop Street  
Grosvenor Center, #2910  
Honolulu, HI 96813

Mr. John Carroll  
906 Financial Plaza of the Pacific  
111 South King Street, Suite 906  
Honolulu, HI 96813

Mr. John Corbin  
Aquaculture Development Program  
335 Merchant Street, #359  
Honolulu, HI 96813

Mr. Frank Coto  
United Fishing Agency, Ltd.  
117 Ahui  
Honolulu, HI 96813

Congress of Hawaiian People  
c/o Irene Dupont  
602 Captain Cook Avenue  
Honolulu, HI 96813

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## Appendices

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Pacific Tuna Development Foundation  
P. O. Box 2359  
Honolulu, HI 96804

Mr. Willis H. Moore  
Executive Secretary  
Hawaii Geographic Society  
P. O. Box 1698  
Honolulu, HI 96806

Dr. Philip Helfrich  
Hawaii Institute of Marine Biology  
P. O. Box 1346  
Coconut Island  
Kaneohe, HI 96744

Mr. Craig S. Harrison  
46-024 Puulena Street, #614  
Kaneohe, HI 96744

Mr. Kenneth S. Funai  
President  
Sportsmen of Hawaii  
P. O. Box 923  
Hilo, HI 96720

Mr. Alike Cooper  
Alike Cooper and Sons  
Old Lyman Airfield  
Hilo, HI 96720

Dr. Wayne C. Gagne  
Bishop Museum  
P. O. Box 19000-A  
Honolulu, HI 96819

Mr. Steve Parcels  
Defenders of Wildlife  
1244 19th Street, NW  
Washington, DC 20036

Marine Mammal Commission  
Attn: David Laist  
Room 307  
1625 Eye Street, NW  
Washington, DC 20006

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## Appendices

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Pacific Basin Maritime, Inc.  
Edward W. Shallenberger  
P. O. Box 516  
Kailua, Oahu, HI 96734

Audrey Newman  
1250B Koko Head  
Honolulu, HI 96816

John Earle  
92-1188 Hookeha Street  
Ewa Beach, HI 96707

Mr. Dan Taylor, Regional Representative  
National Audubon Society  
555 Audubon Place  
Sacramento, CA 95825

Environsphere  
Attn: Ms. Vickie Nulle  
3000 W. MacArthur Boulevard  
Santa Ana, CA 92704

### 11. Libraries

Hamilton Library  
University of Hawaii  
2550 The Mall  
Honolulu, HI 96822

Legislative Reference Bureau Library  
State Capitol Building  
415 South Beretania  
Honolulu, HI 96813

Hawaii State Library  
478 South King Street  
Honolulu, HI 96813

Kailua Library  
239 Kuulei Road  
Kailua, HI 96734

Kaneohe Regional Library  
45-829 Kam Highway  
Kaneohe, HI 96744



## Appendices

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Pearl City Regional Library  
1138 Waimano Home Road  
Pearl City, HI 96782

Kauai Regional Library  
4344 Hardy  
Lihue, HI 96766

Hawaii Regional Library  
P. O. Box 647  
Hilo, HI 96721-0647

Kailua-Kona Library  
75-138 Hualalai Road  
Kailua-Kona, HI 96740

Molokai Regional Library  
P. O. Box 395  
Kaunakakai, HI 96748

Maui Regional Library  
P. O. Box 8  
Wailuku, HI 96793

Colorado State University Library  
Fort Collins, CO 80523

## Appendices

### D. Comments Concerning the Draft Master Plan/EIS and FWS Responses

Displayed on the following pages are: 1) on the left hand side of each page, written comments concerning the September 1984 draft Master Plan/EIS from various agencies, organizations and individuals; and 2) on the right hand side of each page, FWS responses to specific comments made. Each comment and response is referenced numerically in the left margins. Below is an index of those agencies, organizations and individuals which provided written comments.

	<u>Page</u>
James Coon, State Boating Task Force. . . . .	8.25
Department of the Army. . . . .	8.26
U.S. Department of the Interior, Minerals Management Service . . . . .	8.28
City Council, City and County of Honolulu . . . . .	8.30
University of Hawaii, Sea Grant College Program . . . . .	8.31
Edward W. Shallenberger . . . . .	8.32
State of Hawaii, Office of Environmental Quality Control. . . . .	8.35
State of Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife. . . . .	8.36
State of Hawaii, Department of Planning and Economic Development. . . . .	8.38
Department of Defense, U.S. Navy. . . . .	8.41
Hawaii Audubon Society. . . . .	8.44
U.S. Environmental Protection Agency. . . . .	8.48
John S. Carroll/John L. Earle. . . . .	8.52
National Marine Fisheries Service . . . . .	8.55
National Audubon Society. . . . .	8.61
University of Hawaii, Institute of Marine Biology . . . . .	8.67
The Wilderness Society. . . . .	8.69
Western Pacific Regional Fishery Management Council . . . . .	8.72
Pacific Seabird Group . . . . .	8.80
U.S. Coast Guard. . . . .	8.82
National Park Service . . . . .	8.83
University of Hawaii (Environmental Center) . . . . .	8.84
Audrey Newman . . . . .	8.87
Marine Mammal Commission. . . . .	8.90
Craig S. Harrison . . . . .	8.98
State of Hawaii, Department of Land and Natural Resources . . . . .	8.101

Comment

October 22, 1984  
Refuge Manager  
Hawaiian and Pacific Islands  
National Wildlife Refuge  
300 Ala Moana Blvd., Rm. 5302  
P.O. Box 50157  
Honolulu, HI. 96850

Dear Sir:

Thank you for the opportunity to review the DWP/EIS for the Hawaiian Islands National Wildlife Refuge. The document reflects the years of research which has been put into it.

I would like to see compatible public and economic uses expanded if possible. This would include support for the commercial fisheries as well as the potential visiting yachtsman.

I support the document and it's overall intent.

Sincerely,



James E. Coen  
State Boating Task Force  
P.O. Box 551  
Lahaina, Maui Hawaii 96767

Response

Response to James E. Coen, State Boating Task Force

1. Considering each of the laws, regulations, policies and goals that guide management of the Hawaiian Islands National Wildlife Refuge (See Section IV of the Master Plan/ EIS), we feel that public and economic uses described in the Preferred Alternative represent the best, most extensive mix of uses that are compatible with refuge objectives. To recommend public uses to excess of those currently included in the Preferred Alternative would likely create conflict with higher priority refuge objectives such as those associated with endangered species.



# Comment

DEPARTMENT OF THE ARMY  
PACIFIC OCEAN DIVISION, CORPS OF ENGINEERS  
71 MARIYA MAWU 8888 -3440

October 18, 1984



Mr. Richard Mass, Refuge Manager  
Hawaiian and Pacific Islands  
National Wildlife Refuge  
P.O. Box 50167  
Honolulu, Hawaii 96850

Dear Mr. Mass:

Thank you for the opportunity to review and comment on the Draft Master Plan/Environmental Impact Statement for the Hawaiian Islands National Wildlife Refuge. The following comments are offered:

a. Any work on the waters of the United States may require a Department of the Army permit.

b. Page 3.13. The statement on attracting more boats to MHI perhaps should be amended to include the increased potential of disturbance and harassment to species.

c. Page 3.14.3.14.6. Mero Reef is not described nor included in both sections.

d. Page 3.17. We suggest equal discussion for endemic birds, mammals and mollusks.

e. Page 3.24. Recent archaeological studies by P.F. Bishop Museum (1984) have established that both Hiroe and Becker have some of the densest scatters of prehistoric structural sites in Hawaii which are important for research and preservation purposes.

f. Page 3.25. We suggest expanding the last statement to read, "... relating to wildlife and cultural resources . . . ."

g. Page 3.33. Throughout this section almost no attention has been paid to the very great significance of the archaeological resources on Hiroe and Becker. Although there was a general discussion in one section, no incorporation of its significance and interpretation into any other section has been made.

# Response

Response to Department of the Army, Pacific Ocean Division, Corps of Engineers

We concur with comments a, b, c, f, g and h and have modified the Master Plan/EIS appropriately. Our responses to comments d, i and j follow below:

1. Comment acknowledged. No revisions necessary. Endemic birds are discussed on pages 3.16 - 3.17. There are no terrestrial mammals in the MHIW. Mollusks, because of their limited impact on refuge management practices, are included in the general discussion of invertebrates on page 3.12.

## Comment

-2-

b. Page 4.24. We recommend that coordination be done with the Minerals Management Service under the Department of Interior and the State Department of Planning and Economic Development.

2 | 1. Page 4.28. Consideration should be given to limited education tours of the historic resources at Meeker and Hibon.

3 | 1. Page 4.32. Consideration should be given to organized research such as for thesis and dissertation research.

Sincerely,

  
Clark R. Gandy  
Chief, Engineering Division



## Response

2. We have thoroughly considered opportunities of this type but have not included them in our Preferred Alternative because of the high risks to unique species of wildlife and the hazards associated with access to these islands.

3. BLM Strategy #1 is intended to address the relative priority and quantity of research in this alternative as compared to other alternatives. This does not preclude research associated with thesis and dissertation.

Response

[Empty response box]

Comment

[Empty comment box]



United States Department of the Interior  
MINERALS MANAGEMENT SERVICE  
RESTON, VA 20191

In Reply Refer To:  
LMS-9611 Stop 644

MAY 16 1994

Memorandum

To: Refuge Manager (Remote Islands), Hawaiian and Pacific Islands National Wildlife Refuge, U.S. Fish and Wildlife Service  
From: Associate Director for Offshore Minerals Management  
Subject: Comments on the Draft Master Plan/Environmental Impact Statement for the Hawaiian Islands National Wildlife Refuge

Attached are our comments on the subject environmental impact statement. Should you have any questions, please call Buford Holt of the Office of Strategic and International Minerals, FTS 796-2400.

*[Handwritten Signature]*  
John R. Rigg

Attachment



## Comment

### Comments on the Draft Master Plan/Environmental Impact Statement (EIS) for the Hawaiian Islands National Wildlife Refuge

1. The limits of the refuge are never clearly indicated. We recommend that a table be inserted early in the document listing the islands and shoals/reefs, their emergent areas, the areas of submerged lands claimed by the U.S. Fish and Wildlife Service (FWS), and areas either recognized or disputed by the State of Hawaii. As the document now stands, Map 1 can easily be interpreted to imply a claim to all lands and waters within the Exclusive Economic Zone between Necker and Midway. The acreage of the refuge is first mentioned in Chapter II, and it is only in the middle of the text that it is explicitly stated that refuge lands lie generally within the 20-fathom contour, but even then, the exceptions to this generality are unspecified. The disagreement between the State and Federal governments on the bounds of the refuge are mentioned still later, near the end of chapter IV.
2. The paragraph on ocean mining is now outdated. The last sentence of the ocean mining paragraph (page 4.24) is incorrect since preparation of an EIS is underway. (Scoping meetings were held in Honolulu and Hilo on April 30 and May 1, 1984, respectively). Also, since it now looks as if areas on the flanks of the volcanoes responsible for the islands, shoals, and shoals in the refuge will eventually be excluded from further ocean mining consideration, we recommend that the Minerals Management Service, Office of Strategic and International Minerals be contacted for an update during the final stages of revision of the EIS.
3. We believe it would be more appropriate to say the FWS will remain fully involved in assessing potential impacts rather than saying, "It is anticipated that the FWS will become fully involved" since the FWS is represented on the Joint Federal/State Task Force which is evaluating the potential for leasing.
4. The 50-mile "Area to be Avoided" (page 4.7) seems excessively large even though it seems far now that it will not cause problems.

## Response

### Response to the U.S. Department of the Interior, Minerals Management Service

1. We agree that the boundaries of the Refuge are not clearly defined in the Master Plan/EIS. Currently we are working to resolve this issue with the State of Hawaii, hopefully through mutual agreement (see Section IV.G.1.). However, until this issue is resolved, clarity of legal boundaries in the Northwestern Hawaiian Islands (NHI) will remain a concern.
2. We concur. The Master Plan/EIS has been changed to include this suggestion.
3. We concur. This section has been rewritten.
4. Because a disabled ship, oil slick or other hazard to the fragile resources of the Hawaiian Islands National Wildlife Refuge (HINWR) could easily drift that distance, the 50-mile "Area to Be Avoided" is not viewed as excessive.

Comment



CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813 / TELEPHONE 523-4000

October 29, 1984

Deputy Manager  
Hawaiian & Pacific Islands Map  
300 Ala Moana Blvd., Room 5302  
P. O. Box 50167  
Honolulu, HI 96850

Dear Sir:

I have reviewed the Master Plan/EIS for the Hawaiian Islands  
Map and find it to be a thorough assessment of the various  
alternatives. I continue to feel that protection of endan-  
gered, threatened and sensitive wildlife species should have  
higher priority over economic use of the Islands' resources.

My way of update please note that the County is presently  
studying an amendment to the established Map to cover the  
MHI as well as the amendment of the County General Plan to  
better define County objectives with respect to MHI. A  
decision on these amendments may be made within the next 6  
months.

Thank you for the opportunity to review and comment on your  
report.

Sincerely,

*Leigh-Wai Doo*  
Councilmember Leigh-Wai Doo  
Chair, Planning & Zoning  
Committee

Response

Response to City Council, City and County of Honolulu

1. Comment acknowledged. No revisions to the Master Plan/EIS necessary.

Comment

UNIVERSITY OF HAWAII

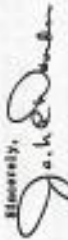
In Great Beluga Program  
October 29, 1984

Mr. Paul J. Camp  
Program Analyst  
United States Department of Interior  
Fish and Wildlife Service  
Lloyd 500 Building, Suite 1602  
500 S.E. Washington Street  
Portland, Oregon 97132

Dear Mr. Camp:

I circulated your Russian Islands Wildlife Refuge Master Plan/Environmental Impact Statement (EIS) among my staff. They had no suggestions for change. Thank you for the opportunity to review it.

Sincerely,



Jack S. Davidson  
Director

1000 Poplar Street, Room 500 - Olympia (206) 485-3200, Radio, Street 10000 / Radio Address 10000  
In Equal Opportunity Program

Response

Response to University of Hawaii, See Grant College Program

1. Comment acknowledged. No revisions to the Master Plan/EIS necessary.



Comment

Response



Pacific Basin Maritime Inc.

9 Oct, 1988

Dr. Richard Voss  
Refuge Manager  
Hawaii Islands NWR  
100 Ala Moana Blvd.  
Room 5302  
Honolulu, HI 96850

Dear Dick:

Enclosed are my comments on the 748 Hawaiian Islands National Wildlife Refuge master plan. I have restricted my comments primarily to matters concerning the fishing industry.

A general statement about the ways Tern Island can help the fishing industry is appropriate.

As you well know, fishing in the MHI is a serious matter, and only well found seaworthy vessels have any business being in the area. Vessels fishing the area must be able to withstand severe weather conditions, be self-sufficient, and be long enough to stay out longer than anticipated. Vessels that require the support of another vessel have no business fishing the MHI. Likewise, vessels should be manned by capable crews that are able to surmount under difficult conditions and cope with most problems that might develop at sea. To safely operate they must be able to handle their own problems and should not require the assistance of Tern Island or another vessel.

Regrettably there are presently some vessels working in the area who do not meet these qualifications. The relatively mild weather we have had for the last two years has enabled lesser quality vessels to operate without large numbers of serious problems. This will undoubtedly change.

The presence of personnel on Tern Island is not essential to the fishery. With the exception of emergency evacuation Tern Island offers no service that vessels in the fishery can not handle by themselves, particularly now that there are more vessels in the

While not essential, the personnel of Tern Island does make operation

211 New 101  
Kalahele  
Honolulu, HI  
1000140000  
211 101  
HAWAIIAN  
ISLANDS  
NATIONAL WILDLIFE  
REFUGE

# Comment



Pacific Basin Maritime Inc.

page 2

In the BMT tender, Tern Island has proved helpful in requiring by leading both tools and expertise; by transportation of parts and personnel on their aircraft; by commissioning (this has also been decided); and by giving the fishermen bread, plus sea (usually in trade for fish). All of the above services are useful and helpful, but none are essential to the fishery.

In addition to the general comments above I have several specific comments.

1. I agree that the risk is real and not speculative, however, the things that will help are: 1. those things that will prevent groundings and 2. those things that will lessen the impact of a grounding. To determine those things that will prevent groundings one must first determine the causes of groundings. These are: 1. Operator negligence (fouls, righting), 2. Operator error (misinterpreting navigational information, judgemental errors etc. 3. Equipment failures (broken anchor line, engine failure etc.) measures taken should relate directly to these reasons or they should attempt to lessen the impact.
2. How is this to be enforced? Despite our relative danger to a fishing boat, many boats less than 100 feet are safe to cross. 3. If used for education and communication, not for enforcement.
4. OK, but not everyone will be willing to share their knowledge.
5. That good does reporting do? As long as the vessels are legal, why should they report? Fishing locations are highly protected secrets. Satellite monitoring would meet extreme resistance. 1000 very hard to reach via radio.
6. ERTS's have very limited range at sea level. Radar would enable operators to monitor fiberglass boats at 5-6 miles and steel boats at 10-12. It is expensive and requires regular maintenance. Would be helpful at 50 and 60 corners of 375, but would be difficult to maintain and might put PMS in a position of liability.

PO Box 610  
Kahala, Oahu  
Honolulu, HI 96813  
1000/1000000  
1000/1000000  
1000/1000000  
1000/1000000

# Response

Response to Edward W. Shallenberger, Pacific Basin Maritime, Inc.

1. We concur with your comment that PMS occupation of Tern Island is not essential for a commercial fishery in the BMT. Our primary reasons for operating the facility relate to management and protection of the unique wildlife resources of the BMT.
2. Each of your specific comments have been acknowledged. No modifications to the Master Plan/VIS are necessary except as noted in items 3 - 6 below.
3. It is our expectation that matters of this nature will be resolved through the Interagency committee described in BPA Strategy #1.
4. Comment acknowledged. Strategy revised.

# Comment



Pacific  
Basin  
Maritime  
Inc.

page 3

- 6.29 19 Along would help under tradeized conditions only. Under other conditions it might be detrimental by giving the vessel operator a false sense of security. The biggest advantage of a buoy is that it doesn't tear up the bottom like repeated anchoring does. If a buoy were installed by industry who would pay and who would accept liability?
- 6.31 1 Fleet pilots, regular reporting etc take away from the independence and flexibility of fishermen. Anyone who doesn't have an EPRM should not be at sea.
- 6.36 11 All of the types of support mentioned are possible. Air ship is possible, but not economically feasible at the present low price of fish.
- 6.38 11 0 How can PMS regulate traffic outside of refuge boundaries?
- 6.40 22 Reporting won't eliminate risk
- 6.42 23 This idea makes no economic sense

Rich, I hope these comments have been useful. Feel free to contact me if you would like me to expand on any.

Sincerely,

Edward V. Stallenberger

211 Bow St  
Bath, ME 04501  
Street 02734  
Phone 213 7041  
Fax 213 7041  
1485004-0100

# Response

5. Our assumption is that the State of Hawaii and/or commercial fishing interests would install the buoy outside the refuge boundary and accept liability for it.
6. This strategy is directed at the need to minimize risks to vulnerable species of the HMMR by working cooperatively with the State of Hawaii, National Marine Fisheries Service (NMFS), the Coast Guard, the Western Pacific Regional Fishery Management Council, and the Fishing Industry to seek out means of reducing the risk of vessel grounding on HMMR islands and reefs. We realize that the PMS has no authority to regulate vessel traffic beyond the boundary of the HMMR. Regulations are needed, however, to reduce the risk of groundings. Only suggestions that receive wide or total acceptance among the Interagency Committee would receive further consideration and study to determine if they could be effectively implemented and enforced. The committee would provide the fishing and shipping industries an avenue to voice and resolve concerns before any regulations are formally adopted. The important point here is that all concerned parties and interests would be involved at the outset in the formulation of any strategies for regulating and monitoring vessel traffic.



Comment

LETITIA M. UYEBARA  
DIRECTOR



STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
1600 KALANOAU AVENUE  
HONOLULU, HAWAII 96813

October 27, 1984

Mr. Dick Wess  
Refuge Manager  
Hawaii Islands NWR  
300 Ala Hooaa Blvd., #3302  
P.O. Box 50167  
Honolulu, Hawaii 96850

Dear Mr. Wess

We support the Fish and Wildlife Service's preferred alternative of the resource preservation alternative. Either of these two alternatives would provide good protection for the endangered species found in the Hawaiian Islands National Wildlife Refuge.

Sincerely,

Letitia M. Uyebara  
Director

Response

Response to State of Hawaii, Office of Environmental Quality Control

- 1. We appreciate your support for the Preferred Alternative.

# Comment



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
SYSTEMS OF FORESTRY AND WILDLIFE

110 PUNAHONA STREET  
HONOLULU, HAWAII 96813

October 12, 1984

RONALD A. WILSON  
DIRECTOR

RONALD A. WILSON  
DIRECTOR

110 PUNAHONA STREET  
HONOLULU, HAWAII 96813

SYSTEMS OF FORESTRY AND WILDLIFE  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
STATE OF HAWAII

Recovery Manager  
Hawaiian and Pacific Islands  
National Wildlife Refuge  
300 Ala Moana Blvd., Rm 3102  
P.O. Box 50187  
Honolulu, HI 96850

Dear Sir:

This responds to your request for comments on the "Draft Hawaiian Islands National Wildlife Refuge Master Plan/Environmental Impact Statement."

Having participated in the workshop you sponsored to review earlier versions of the document, I feel that I have had an opportunity to provide input throughout the development process. Many of my earlier concerns have been addressed and incorporated in the final draft and I have little to add at this time. I have enclosed selected portions of the Plan/EIS with associated comments for your consideration.

I find that your "Preferred Alternative" (PA) is a well-reasoned compromise between a resource utilization emphasis and a total protection approach. While realizing that this is only a plan and not a commitment of funds, the PA seems very ambitious in its recommendations for actions beyond your present program.

The environmental statement is reasonable and fully discloses potential impacts. If all of the actions are implemented, certainly the natural resources will benefit, although there might be drawbacks to socio-economic considerations.

I compliment you on a job well done and particularly for the manner in which other agencies and the general public were involved in the development of the plan.

Thank you for including me as a reviewer/commenter.

Aloha,

RONALD L. WICKER  
Wildlife Biology Program Manager

RW:rlk  
Enclosure

# Response

Response to State of Hawaii, Department of Land and Natural Resources, DIVISION OF FORESTRY AND WILDLIFE

1. The following are responses to comments you annotated in a copy of the draft Master Plan/EIS. Page numbers reference your comments in the draft document.

a. Page 0.3: You questioned the statement regarding President Roosevelt setting aside islands and reefs from Nihoa to Kure. The statement regarding Kure is correct. The fact that Kure is not a part of the refuge is explained in Section IV.C.1. of the final Master Plan/EIS.

b. Page 0.6: You highlighted the need to address increasing demands by researchers to gain access to the HIBOR and associated environmental impacts. We feel that issue is addressed in an introductory manner on page 0.5, paragraph 2. of the final Master Plan/EIS, and in greater detail on page 6.12 of the final report.

c. Page 0.12: We agree with your comment that future management of the Refuge must be adaptable to change. This is explained on page 2.7 of the final Master Plan/EIS.

d. Pages 1.2 and 1.4: We have revised the captions on these pages to improve their accuracy.

e. Page 3.1: We incorporated your suggestion to indicate the fact that Nihoa is a U.S. Naval air facility and that Green and Sand Islands are included in the Hawaii State Seabird Sanctuary System.

f. Page 3.14: Per your suggestion, we revised the text on page 2.17 of the final Master Plan/EIS to indicate that Nihoa millerbirds are associated with vegetation that covers approximately 2/3 of the island.

g. Page 3.26: The text on page 3.28 of the final Master Plan/EIS has been revised to indicate that in 1984 a federal manager was first stationed in Hawaii.

h. Page 4.14: The discussion of the Endangered Species Act is clarified per your suggestion to indicate that federal agencies are responsible for recovery plans for federally listed species.

## Comment

## Response

1. Page 4.19: Per your suggestion, the discussion of the Hawaii Wildlife Fund was changed to indicate that the plan was approved in 1983.
2. Page 5.2: The Output List has been corrected to include as item #5 "Sensitive/Candidate Species Production and Maintenance." This item was inadvertently left off in the draft plan.
3. Page 6.9: Numerous changes have been made to the Alternatives chart, including your suggestion to drop P/O/A activities at Kaneohe.
4. Page 6.9: You recommended that we consider de-listing or down-listing in the strategy that deals with identifying candidate species. We feel the costs of de-listing or down-listing species in the HIRMS is significantly removed; however, the FMS would support such action if recognized research and/or monitoring proved such was warranted.
5. Page 6.20: Per your suggestion, we have included the National Marine Fisheries Service in the strategy concerning comparative monitoring studies at Midway and Laysan. Also, regarding your question as to why non-FMS researchers may be involved in these studies, simply stated, the FMS considers this as one option (possibly the most cost-effective and efficient) to accomplish these studies. The strategy regarding limited nature tours has been dropped as a result of comments from the U.S. Navy and the U.S. Coast Guard.
6. Pages 6.29 and 6.30: The strategy regarding photography, journalism and art at Midway and Laysan has also been dropped in response to comments from the U.S. Navy and U.S. Coast Guard.
7. We concur and appreciate your support of the Preferred Alternative.



Comment



DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

HONOLULU, HAWAII 96820

Ref. No. P-588

November 7, 1984

Mr. Dick Marx  
Refuge Manager  
Hawaiian and Pacific Islands  
National Wildlife Refuge  
340 Ala Moana Boulevard, Room 5102  
P.O. Box 58857  
Honolulu, Hawaii 96859

Dear Mr. Marx:

Subject: Draft Master Plan/EIS for the Hawaiian Islands National  
Wildlife Refuge (HINWR)

We have reviewed the subject master plan/environmental impact  
statement (EIS) and have the following comments.

Overall we are in accord with the plan. We support the Fish and  
Wildlife Service's commitment to compatible public and economic use of the  
HINWR. In addition, maintaining the station at Tern Island is highly  
desirable for logistics support and refuge management.

With a few exceptions, it does not appear that pursuing the  
preferred alternative (PA) over the resource utilization alternative (RUA)  
will hamper fishery development in the Northwestern Hawaiian Islands (NWHI).  
Instead, it could be helpful in fisheries management in the NWHI as the recent  
Tripartite resources investigations have demonstrated. At this time major  
conflicts between proposed ocean mining activities and refuge management are  
not anticipated. The manganese craters in question are between water depths of  
800 and 2400 m, largely on older seamounts in the 200 mile zone rather than on  
the Hawaiian Ridge (which forms all of the Hawaiian Islands). A draft EIS on  
ocean mining activities will be available in early 1986 for Fish and Wildlife  
Service comment.

However, we do question two strategies presented in the PA. First,  
it is questionable whether the U.S. Fish and Wildlife Service should regulate  
vessel activity outside of the Hawaiian Islands National Wildlife Refuge  
(HINWR). The same concern applies to the proposed requirements that vessels  
near the NWHI take measures such as filing flight plans, regular radio reports,

Response

Response to State of Hawaii, Department of Planning and Economic  
Development

1. Comment acknowledged. See response to National Marine Fisheries  
Service, #1, page 3, 16.

Mr. Dick Hess  
Page 2  
November 7, 1984

etc. It is, however, justifiable to monitor nearshore vessel traffic. Second, we support the PA recommendation to delay action to nominate wilderness status until jurisdictional uncertainties can be resolved. However, if NOAA lands are accorded wilderness status, Tern Island, Midway Islands, and Laysan Island should not be included under this designation. Their continued use in logistical support of ongoing and future economic development activities in the BMSI is critical.

We also have a few other specific suggestions. These are as follows:  
p. 3.19 Recommended text change: 2nd paragraph.

The species such of spiny lobster (*Penaeus marginatus*) and *P. marginatus* occur throughout the Hawaiian archipelago. Of these species, *P. marginatus* is the only species all but *P. penicillatus* are of serious commercial interest. Lobsters inhabit nearshore waters but also range into substantially greater depths, where most commercial fishing occurs. Within atoll lagoons, they inhabit coral reefs, where they find shelter, food and protection from predation. (Nearshore habitats are critical for the recruitment of larvae, which disperse into deeper waters.) Larvae of *P. marginatus* and *P. squamatus* are known to recruit to nearshore habitats throughout the archipelago.

There is no evidence that nearshore habitats are critical for recruitment of lobster larvae, although conceivably they might be. (References: (1) McInnes, C. D. 1984. Studies on recruitment in the Hawaiian spiny lobster, *Penaeus marginatus*. In *Proceedings of the second symposium on resource investigations in the Northwestern Hawaiian Islands*, May 25-27, 1983, ed. K. W. O'Brien, and K. Y. Yanoue, pp. 199-220. BOWEN - SP202007 - 84-01. University of Hawaii Sea Grant College Program, Honolulu, and (2) Merin, T. O., and C. D. Macdonald, 1984. Occurrence of the slipper lobster *Scyllarides haini* in the Hawaiian Archipelago. *Proc. Biol. Soc. Wash.* 97:434-437.)

P. 3.21 Section 6, 2nd paragraph, next to last sentence should include slipper lobsters. Suggested change would read: Other offshore crustaceans of commercial interest include caridean and penaeid shrimps, slipper lobsters, and Kona crabs.

Slipper lobsters have increased greatly in trap catches in the BMSI. Specific statistics are available from the National Marine Fishery Service (NMFS). At times during 1984, however, slippers have constituted about 20-30% of total lobsters landed.

2. We appreciate your support for this strategy. As indicated in BA Strategy #7 and BA Strategy #4, Tern Island would not be nominated for wilderness status... Midway and Laysan would not be included either as they are not a part of the BMSI.

3. We agree with your suggestions for changes in the text and have modified the Master Plan/EIS appropriately.

Comment

Mr. Dick Ness  
Page 3  
November 7, 1984

P. 6-45, 1.14  
The submarine studies mentioned, took place, and successfully completed over 10 dives in the French Frigate Shoals area during September, 1984.

Thank you for the opportunity to comment on this document.

Very truly yours,

*Edward Keith*  
Edward M. Keith

Response

[Empty response box]



Comment



HEADQUARTERS  
NAVAL BASE PEARL HARBOR  
MAIL STOP 119  
PEARL HARBOR, HAWAII 96820

Hawaiian and Pacific Islands National Wildlife Refuge  
2039 Ala Moana Boulevard, Room 5302  
P. O. Box 50347  
Honolulu, HI 96850

Gentlemen:

DRAFT MASTER PLAN/ENVIRONMENTAL IMPACT STATEMENT (EIS)  
FOR THE HAWAIIAN ISLANDS NATIONAL WILDLIFE REFUGE 6/26/84

The subject Draft EIS has been reviewed by the Commander, Pacific  
Division, Naval Facilities Engineering Command, and the review comments  
are forwarded as enclosure (1).

Sincerely,

Lt. J. S. NAVY  
ENGINEER  
IN CHARGE OF THE COMMAND

Enclosure 4/5

NO COPY SENT TO  
\$510  
SER 0028/2650  
18 OCT 1984

Response



# Comment

PACMANFACINCON COMMENTS ON  
DRAFT MASTER PLAN/ENVIRONMENTAL IMPACT STATEMENT  
FOR THE  
MIDWAY NATIONAL WILDLIFE REFUGE  
18 OCT 1984

A. Pg 4-23 states with regard to Midway that "fish and wildlife management responsibility would rest with the FWS." This is in direct contrast to the overlay proposal to the May 29 3 which states "...an overlay will be managed cooperatively by FWS and the Navy." If the overlay refuge does become established, the Navy will remain responsible for fish and wildlife management.

B. Pg 4-25 states "...FWS would assume a greater role in fish and wildlife management." This should read "...a greater cooperative role..."

C. Pg 7-16 "MRA strategy #15 indicate Kure and Midway will not become a part of HMMR. In light of the HMMR regulations, i.e. special use permits for all activities, MRA designation for entire HMMR, and proposal for wilderness status, Midway cannot be included in the HMMR. Midway will remain a military installation and aerial security restrictions will continue.

D. Throughout this plan there are various references to expanding activities on Midway if the overlay refuge becomes established.

1.) Pg 3-27 states "logistical support capability (e.g. airplane access, housing, mail facilities, boats, etc.) makes expanded educational and recreational use of Midway substantially more practical and less impacting on wildlife resources and their habitat than similar activity in the HMMR." The Navy cannot provide facilities for either recreation use or for visitors on Midway, nor will security requirements permit unrestricted access to Midway.

2.) Pg 4-23 "...expanded FWS presence on Midway would facilitate wildlife research and interpretive activities, the course of action at Midway will effect the arrival of preferred management strategies within the HMMR." It is the Navy's position that the expanded FWS presence on Midway, if the overlay refuge is approved, would provide improved fish and wildlife management and on an incidental basis expanded research. The overlay refuge therefore should have no effect on preferred management strategies in the HMMR. Interpretive activities, resulting in increased visitors, are not appropriate.

3.) Pg 4-26 "Midway and/or Kure abells are proposed as alternatives to HMMR locations where logistical constraints and the anticipated impacts of such activities (nature tours) on small island ecosystems make this program incompatible with other refuge management objectives." It is the Navy's understanding that if the overlay refuge is implemented, Midway would be treated as any other wildlife refuge. Therefore, development of Midway as a tourist destination for visitors who wish "to visit and experience the rich fish and wildlife resources of the HMMR" is inappropriate.

4.) Pg 6-28 "Visitors would be transported on MC or Coast Guard scheduled flights..." MC flights are for military transportation and are

Enclosure (1)

# Response

Response to Department of Defense, Headquarters Naval Base Pearl Harbor

1. We concur with your comments. Modifications have been made to reflect the cooperative role the FWS will have in managing fish and wildlife resources if an overlay refuge is established at Midway. Furthermore, we recognize the fact that Midway would not act as a habitat for Wilderness or Research Natural Area (RNA) status and that the Navy's activities would not require special use permits. We also recognize that prior to implementation of the overlay concept, the roles and responsibilities for each agency must be clearly delineated and agreed to. This has been noted in MA Strategy # 5.

2. The Draft Master Plan/EIS included strategies to accommodate existing and potential demands by the public for environmental education, interpretation, photography, journalism, and art opportunities in the Northwestern Hawaiian Islands. The strategies were developed around the premise that similar lands already significantly altered by man could be substituted for fragile refuge lands which are little affected or altered by man. Much of the demand for these activities could, thus, be met by directing nature tours, journalists, etc. to islands outside the HMMR without compromising the management objectives of the refuge. Midway Island, owned by the Navy, and Kure Island, owned by the State of Hawaii and occupied by the U.S. Coast Guard, were lands identified as suitable for inclusion in the strategies. The Draft Master Plan/EIS proposed that these lands be substituted for refuge lands to accommodate limited public requests for educational and journalistic opportunities and that existing Naval and Coast Guard facilities and transportation, though limited, were adequate to meet the public's needs.

Comments subsequently received from the Navy have made it clear that Midway Island is not accessible to the general public for national security reasons. Also, there is no commercial transportation available to the Island. The Coast Guard and the State of Hawaii have similarly commented that facilities and support are not available on Kure Island for recreational visitors. Commercial transportation to the Island is extremely limited and expensive.

In this regard, we have removed from the Master Plan/EIS the strategies dealing with nature tours, photography, journalism and art visits to Midway and Kure.

## Comment

not available to the recreational visitor. Prior approval from the military (Navy) is required for all travel. We do not know the Coast Guard regulations, but assume they are similar.

5.) Pg 6.29 "...be accommodated within facilities at these islands (Midway and Kure)." They would say the responsible agency (or hire a contractor) for those services (rental and lodging). Our present BSS contract does not provide for this type of service nor is it planned to revise the contract to accommodate recreational visitors.

6.) Pg 6.29 "Activities (nature tours) on the islands (Midway and Kure) would be supervised by FWS and/or cooperating agency personnel." The Navy is not planning on adding personnel as a result of the implementation of the overlay refuge.

7.) Pg 6.29 "Facilitate photography, journalism and art visits to Midway..." This type of activity was not contained in your overlay proposal. Our comments above about Midway not being open to tourism are relevant.

8.) Pg 7.14 and 7.15 These pages are mainly devoted to explaining how Midway would be used to provide logistical support for educational and recreational opportunities. This concept is in direct contrast to the Navy's understanding of the overlay concept.

In summary, Midway is a military installation closed to the public. If the overlay refuge is approved, the island will not be open to recreational or expanded visitor use.

9.) Pg 4.22 "Concern regarding the declining seal population...prompted the FWS to accelerate its technical assistance role with the Navy..." This infers that Navy activities are responsible for this decline whereas page 0.1 states that "population has declined over the last 25 years on the island itself." Page 2.19 attributes this decline, in addition to human disturbance, to predation by sharks, harassment of young and females by some aggressive adult males and ciguatera poisoning. It has not been shown that Navy presence on Midway was the main cause for the decline in seal population.

10.) Pg 6.18 proposes "MHI Marine Sanctuary would encompass all waters seaward to 12 miles for each island in the MHI, including Midway and Kure." The waters surrounding Midway are a Naval Defensive Sea Area. Unrestricted naval use of these waters must be recognized in the proposal.

11.) Pg 6.20 recommends inclusion of Midway into the area covered by the IMCO in "Area to be Avoided." Since the regulations for "Areas to be Avoided" restrict ships carrying oil, other than for their own fuel supply, the Navy would be opposed to this proposal since it would restrict supplies needed for operation of the Midway Naval Facility.

12.) Pg 6.28 states that Navy personnel will monitor fish and wildlife resources. If the overlay refuge is approved, additional Navy personnel will not be available for monitoring fish and wildlife resources.

2

## Response

3. We concur and have modified this section to delete inference to the Navy as being responsible for declining populations.

4. Comment acknowledged. No change necessary. We will recognize unrestricted use of waters by the Navy in the proposed sanctuary when it is considered.

5. Comments acknowledged. The Master Plan/EIS has been modified to reflect your comments.



# Comment

For the Protection of Hawaii's Native Wildlife



## HAWAII AUDUBON SOCIETY

30 October 1986

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Refuge Manager  
Hawaii and Pacific Islands National Wildlife Refuges  
300 Ala Moana Boulevard, Room 5302  
P. O. Box 20187  
Honolulu, Hawaii 96809

Dear Sirs:

Subject: Comments on Draft Hawaiian Islands National Wildlife Refuge Master Plan/Environmental Impact Statement

Hawaii Audubon Society believes that the protective measures contemplated in the Preferred Alternative for future management actions in the Hawaiian Islands National Wildlife Refuge will aid in providing necessary increased protection for the unique resources of the Northwestern Hawaiian Islands. We believe, however, that proposals to facilitate fisheries development may pose unarranted risks to the unique biota of these islands. Furthermore, we believe that designation of the HIRMS under the World Heritage Site, Biosphere Reserve, and National Natural Landmark programs should proceed immediately, rather than being deferred pending further considerations, and that USFWS should proceed immediately with wilderness designations for the HIRMS and its included waters. In our opinion, the NP/EIS fails to give adequate consideration to the use of Kure Island as an alternative to Tern Island as a site for nature tours and fisheries support facilities. Most importantly, we believe that the NP/EIS as circulated is seriously deficient as a disclosure document because of the absence of necessary information regarding the nature and impacts of proposed fisheries activities (Item 7, below); the absence of this information makes proper review of the document impossible at this time, and we believe a revised NP/EIS including this information should be circulated for public review and comment before a final NP/EIS is approved. Our comments on the management alternatives proposed and on other matters are as follows:

(1) We believe any plans for the HIRMS that permit expanded use of Refuge resources for fisheries support and for other activities must be based on the attitude that any observed adverse impacts on wildlife will be assumed to be caused by those activities until proven otherwise. In other words, the burden of proof must be on advocates of increased resource utilization to show that their activities are safe, rather than upon FIS to show that these activities are hazardous. As exemplified in the refusal of the State of Hawaii to remove sea/fin whips from Mauna Kea despite their demonstrated impacts on the endangered Palila, advocates of increased economic development can be expected to move reluctantly if at all to reduce their activities in the face of evidence of adverse impact, and they are likely to demand an impossible degree of "proof" that their activities are indeed to

# Response

## Response to Hawaii Audubon Society

1. Information concerning impacts and/or conflicts associated with various public uses such as commercial fishing is located in two sections of the Master Plan/EIS: a) the Environmental Consequences Section, and b) the Technical Appendices.  
The Master Plan/EIS describes the management, development and use of the refuge on a conceptual level. We realize that many operations and details are not resolved in this document, however these will be addressed in subsequent planning efforts which are described in Section II. E. of the Master Plan/EIS.
2. Comment acknowledged. We believe that our approach to providing compatible public uses of the Refuge is environmentally sound. However, significant adverse effects (associated with these uses) occur, the FIS would be required to revise our actions immediately.  
Clearly priorities and objectives for the HIRMS favor management/protection of wildlife species over accommodating public uses. This is illustrated in the prioritized output list and statement of objectives in Section V of the Master Plan/EIS. Should conflict occur or tradeoffs be required, the "vulnerable" species will be favored over other public uses.

30 Oct 1988, p. 2

blame for observed adverse environmental effects. If occurrences such as increased frequency of vessel groundings, reduced populations of sea birds, etc., are observed, FMS must act immediately and definitively to restrict resource development activities which definitive proof becomes available.

(2) p. 0-13, 7-26. In the "Comparison of Environmental Consequences", the scale of values for the upper table runs from 1 ("Positive Consequences") to 5 ("Very Positive Consequences"). This labeling is misleading, as increased use of the RME as proposed under the Economic Rationalization Alternative (ERA) would have some similarly consequences for marine and terrestrial animals inhabiting the RME, as compared with normal conditions. Characterization of all alternatives as having only "positive" consequences is thus incorrect.

(3) p. 8-2-3-3. On 22 May 1988 FMS identified several invertebrate species inhabiting the RME as category one candidates for listing as Endangered or Threatened Species; these species must be considered in Future Plans for management of the RME, and formal listing as Endangered or Threatened Species should proceed when appropriate.

(4) p. 8-6. What is FMS policy with regard to designation of a Marine Sanctuary to include atoll waters within the RME and also adjacent nearshore waters?

(5) p. 8-18 (see also p. 8). Small Anchoa Society strongly supports designation of critical habitat for all listed Endangered and Threatened Species inhabiting the RME. Federal authorities should note that although protection of critical habitat does not necessarily ensure Federal protection of listed species, such designations may have significantly favorable impact on State and local authorities and national officials by highlighting their awareness of the importance of these sites to the conservation of listed species.

(6) p. 5-2. In Figure 3, "Hawaiian Islands BIR Output List", an "X" is indicated in the 18 item listed) has an item been inadvertently omitted, or are there actually only 17 output categories?

(7) p. 8-17-8-18. Information regarding the nature and extent compatibility of proposed fisheries operations at Tern Island is apparently contained in a Technical Appendix that is mentioned in the text but has not been discussed in public reviews of the M/REIS; this information must be summarized in detail in the M/REIS, as its absence precludes meaningful review of the draft M/REIS by members of the public not privy to the information contained in the Technical Appendix. We believe a revised M/REIS containing such information must be circulated for public comment before legal requirements for public review of the M/REIS can be regarded as having been met.

(8) p. 6-8 etc. Under EIA No. 3, 13 (both included in EA No. 3), monitoring of alien species is proposed. In our opinion, such monitoring should include alien invertebrates, particularly insects, as future introductions are likely; some may have a direct negative impact on native animals and plants in the RME, and monitoring of the pace of new introductions can serve as an important measure of human-induced change in the RME.

3. Comment acknowledged. The table has been eliminated due to confusion associated with labeling.

4. Comment acknowledged. The Master Plan/EIS has been modified to include mention of these species. These species are also listed in Table 2, page 3-14 which has been added to the document.

5. The FMS' position regarding a marine sanctuary to the Northwestern Hawaiian Islands (described in EA Strategy #6) is to evaluate the proposal upon approval of the Master Plan/EIS. See response to Craig S. Harrison, #1, page 6-31.

6. Comment acknowledged. No changes necessary.

7. We concur. This was an omission that has been corrected.

8. We believe that sufficient information is included in the Master Plan/EIS for reviewers to evaluate its recommendations. In addition, just under 100 copies of the Technical Appendix were distributed to reviewers of the Master Plan/EIS including 11 local public libraries and several local governmental offices where the document was available for public inspection. Additionally, "linner" copies were made available through our Honolulu office. We feel our efforts to provide this information to the public were appropriate.

9. Comment acknowledged. Strategy clarified to address invertebrates.



# Comment

30 Oct 1984, p. 3

(5) p. 5, 34-5, 37. Under PA No. 5, it is proposed that actions to accrete the NREI for listing under the World Heritage Site, Biosphere Reserve, and National Natural Landmark program be deferred pending further study. Sufficient data are available to justify immediate action to proceed with nominations under each of these programs. As noted on p. 7, 23, the nomination process for each of these designations includes opportunities for further agency and public review. Any conflicts and potential drawbacks associated with these designations could be fully addressed during these review processes, and persons or agencies opposing such designations would have ample opportunity to publicly state their case.

(10) p. 6, 37. Under PA No. 7, designation of Midwestern states for EIBER would be restricted to emergent lands; Midwestern designation for waters within the NREI would be deferred. We believe PMS should return to its original 1969 position, in which the entire NREI (including its waters) was nominated for Midwestern status. In any event, no actions incompatible with eventual Midwestern designation should be permitted prior to resolution of the question of jurisdiction over these waters. We note that the document under review (p. 6, 37) implies that current and proposed management and fisheries support activities may be incompatible with Midwestern designation of these waters. As described on p. 6, 17, current use of motorized equipment for refuge management purposes would be permitted even after Midwestern designation; we believe that the intent is eligibility for Midwestern designation would thus seem to be due to the proposed increase in fisheries support activity. Since current USFWS policy (as stated on p. 3, 4) is that "Midwestern management procedures are applicable to designated areas and to areas identified as qualifying and/or other formal considerations for designation" any such incompatible activities are improper and should be forbidden. Clearly, any attempt to correct previous (or is previous in effect as of 1969) that would be incompatible with Midwestern designation for these waters would be a violation of USFWS policy and should be prohibited pending resolution of the jurisdictional dispute.

(11) p. 6, 37. Nevada Audubon Society supports the rights of Native Americans for access to cultural sites for religious purposes as proposed under PA No. 8. Because such access would principally involve Missa and Nevada Islands, such access would principally involve Missa and terrestrial birds, neotropical migrants and vulnerable native extreme danger of fire and the area with which alien plants and animals may become established on islands within the NREI. USFWS supervision of these (and all other) visitors should include measures necessary to ensure that clothing and other articles taken ashore do not carry seeds or other materials that could lead to such establishment.

(12) p. 6, 40 (PA No. 23). We believe increased vessel traffic in the nearshore waters of the NREI, as proposed, poses an unacceptably increased risk of pollution, groundings, and of the introduction of alien species (particularly rats) to the islands of the NREI. It is proposed that a limited restriction of an unspecified nature and frequency on Tuna Island would be permitted for personnel involved in multi-species fisheries. In our view, access for this purpose would be a demonstrable net a necessity for the benefit of these fisheries in view of the documented impacts of human activities on seal populations on Tuna Island, recreational activities on the island should not be permitted for fisheries personnel. On p. 7, 25

# Response

10. Basically, this strategy suggests that we carefully evaluate the management implications of nomination of any additional protective status so as to not hinder actions directed at enhancement of high priority vulnerable species. In all likelihood we would conduct such evaluations in any event and therefore have revised each of the strategies concerning this subject to include an evaluation component.

11. Comment acknowledged. Because of the uncertainty that all future management actions associated with the Preferred Alternative will meet "Midwestern" criteria, we feel a more appropriate approach is providing additional protection for the NREI is to proceed with the nomination of emergent lands immediately and delay action to nearshore waters of the Refuge until some of these uncertainties are resolved.

12. Comment acknowledged. RMA strategy No. 4 adequately addresses concern.

13. Comment acknowledged. This strategy has been rewritten to clarify the PMS position concerning support of the commercial fishing industry and to justify our actions regarding a mooring buoy east-side the Refuge boundary.

14. Although details associated with the "enforcement" aspects of this strategy have not yet been fleshed out (they will be via operational plans to be prepared after the Master Plan/EIS is approved), our position is that provided this activity occurs on our terms and with all of the conditions and procedures to protect the fragile environment of the Refuge, then we have little basis to dissent this use of the Refuge. We assured that by virtue of our priorities (see output list page 5, 2), should a conflict between vulnerable species and some other lower priority output such as "Other Compatible and Economic Uses" we will always favor the higher priority.



Comment

30 Oct 1984, p. 8

It is stated that "caused by the fishing industry . . . for recreational opportunity on Tern Island will increase the frequency of conflicts with research program"; this further argues against recreational use of Tern Island by ship-based fisheries personnel. The same objections apply with even more force with regard to proposed storage of fishing equipment on Tern Island.

(13) Members deny the draft H9/823 adequately discuss the use of Midway Island as an alternative site for fisheries support activities and nature tours proposed for Tern Island, although considerable mention of such an alternative was made at the May 1983 symposium on the SMIT.

15

We thank you for this opportunity to participate in the planning of future management actions for the SMIT.

Sincerely,

*Sheila Conant*

Sheila Conant  
President

*Carl C. Christensen*

Carl C. Christensen  
Conservation Chairman

Response

15. A fishery support base proposed for Midway would be primarily for the albacore fishery rather than the lobster/bottomfish/ahi fisheries that would be supported by an operation at French Frigate Shoals. Because of its great distance from the main Hawaiian Islands and from the center of the existing lobster/bottomfish/ahi fisheries, a support base at Midway would likely not be a feasible alternative to one at French Frigate Shoals. A support base at Midway could provide some of the bottom fishery support such as refueling, but because it does not fulfill many of the needs of a bottom fishery support base, it was not given full consideration as an alternative to such a base at Tern Island. We had included several strategies in the Preferred Alternative relating to interpretation and education opportunities at Midway and Laysan. However, due to the Navy and Coast Guard's objection to such proposals (see comments on pages B.43 and B.82) we have eliminated these strategies from further consideration.

# Comment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 9  
 215 Fremont Street  
 San Francisco, Ca. 94108

Richard Haas, Manager  
 Hawaiian Islands National Wildlife Refuge  
 300 Ala Moana Boulevard  
 Room 5302  
 P. O. Box 50167  
 Honolulu, HI 96850

Dear Mr. Haas:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) titled HAWAIIAN ISLANDS NATIONAL WILDLIFE REFUGE (HINWR). We have the enclosed comments regarding this DEIS.

We have classified this DEIS as Category EC-2, Environmental Concerns - Insufficient Information (see following page titled "Summary of Rating Definitions and Follow-Up Action"). EPA Region 9 supports the designation of the HINWR. However, we have rated this DEIS EC-2 because resolution of the boundary dispute will have a significant bearing on environmental impacts for the island chain and this management plan. Preservation and protection of this pristine ecosystem may be endangered by promulgation of activities that potentially affect water quality within or close to the refuge.

The classification and date of EPA's comments will be published in the Federal Register in accordance with our public disclosure responsibilities under Section 309 of the Clean Air Act. We appreciate the opportunity to review this DEIS. Please send four copies of the Final Environmental Impact Statement (FEIS) to this office at the same time it is officially filed with our Washington, D.C. office. If you have any questions, please contact Patricia J. Cotter, Federal Activities Branch, at (415) 974-0948 or FTS 454-0948.

Sincerely yours,

Charles W. Murray, Jr.  
 Assistant Regional Administrator  
 for Policy and Management

Enclosure (3 pages)

cc: Leslie Macubara, Director, Hawaii Department of Health

# Response

Response to U.S. Environmental Protection Agency, Region II

1. The dispute concerning the boundary of the HINWR spans many years and will likely continue for several more before being resolved - hopefully by mutual agreement. We believe that while this dispute is pending resolution it is appropriate to plan for the protection and use of the important resources of the Refuge - as the Refuge is defined by the FWS. Further, we believe that the master planning process will result in the most appropriate resource management strategies regardless of the ultimate location of the legally defined boundary.

Water Quality Comments

EPA recommends consideration of an alternative for the Hawaiian Islands National Wildlife Refuge (NINWR) that is consistent with current water quality standards adopted by the State of Hawaii and approved by EPA. Executive Order 1019 established the Hawaiian Islands Reservation (HIR) which set aside the "islands and reefs" from Nihoa to Kure as a reserve. The 1940 Presidential Proclamation No. 2416 incorporated the HIR into the National Wildlife Refuge System by changing the name to the Hawaiian Islands National Wildlife Refuge.

Areas of "refuges or sanctuaries established by the U.S. Fish and Wildlife Service" are listed as areas to be protected in Water Quality Standards, Chapter 37-A of the Hawaii Public Health Regulations (Section 6.3 [8] [j]). These regulations have been approved and adopted by EPA. Class AA Marine Waters of this type are to "remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-caused source or action (Section 3.3 [A])."

All marine waters are classified as "either embayments, open coastal or oceanic waters" (Section 3.3 [A]). Section 6.2 (A) defines "open coastal waters" as marine waters bounded by the 100 fathom (183 meter or 600 foot) depth contour. EPA suggests that the 100 fathom contour should be used as the refuge boundary for each island, reef, atoll or shoal of the NINWR. This contour area would be consistent with the Hawaii Water Quality Standards and all sensitive marine bottom types would be incorporated in the refuge. Marine bottom types defined as Class I protection areas within the open coastal waters include sandy beaches, lava rock shorelines, solution beaches, marine pools, protected coves, reef flats and reef communities defined under Section 7 of the Water Quality Standards. Soft bottom communities are classified as Class II protection areas under Section 7.

Coral reefs have been designated as special aquatic sites by the EPA (40 CFR Parts 236.3 [g] [1] and 236.44) that are essential critical habitat for rare, threatened and endangered species. EPA's major concern for this project is the preservation or enhancement of coral reef water quality to ensure protection of these endangered species and their critical habitats in the NINWR. Therefore, EPA suggests consideration of an alternative in the FEIS which addresses the 100 fathom contour and the protection of water quality within these boundaries. Placement of a mooring buoy outside the refuge boundaries should be presented and addressed in this alternative. A "mapping and ground truthing survey" (p. 7.13 of the DEIS) must be completed before the management plan can be implemented. This will ensure that all reefs and soft bottom communities within the 100 fathom contour will be included in the refuge.

2. Although almost all of the 252,000+ acres of submerged lands in the NINWR are within the 10 fathom contour, we recognize the need to consider the off-shore environment (beyond 10 fathoms) in our planning primarily because of the extreme range of many of the species considered in the Restoration Plan/CRS. This is acknowledged in the affected Environment Section of the document. However, because the FWS has no jurisdiction beyond the refuge boundary, we believe the best way to influence activities in waters beyond the refuge boundary is through cooperative efforts with the State and other regulating bodies such as the Western Pacific Regional Fishery Management Council.
3. As indicated in EPA Strategy #11, this is an ongoing activity that is proposed to continue in our Preferred Alternative on an annual basis.



In order to succinctly describe the environment of the areas to be affected or created by the alternatives under consideration (40 CFR 152.14), the REIS must document compliance with the appropriate state of Hawaii Water Quality Standards that are approved by the EPA. Specific criteria applied to water quality standards for the open coastal waters must be maintained to ensure the protection of these reef areas (Section 6.2 [C]). The REIS should list current water quality levels for each island, atoll, reef and shoal, we believe this level of specificity to be beyond the scope of this conceptual Master Plan/EIS for the Refuge. We have indicated that our overall concept for management and development of the Refuge will be in compliance with State standards.

Impacts to the area should be assessed with regard to the water quality standards. The impacts from proposed fisheries near the refuges should be addressed, including oil spills, spill clean-up capabilities, refuse disposal, anchor damage and threats to endangered species.

404 (b) Permit Comments

Both the No Action Alternative (NAA) and the Baseline Alternative (BA) indicate that dredge and fill activities are planned. These two alternatives are the basis for all other alternatives. Enlargement of the turning basin at Tern Island (p. 7.2, NAA) and retardation of sand movement at Laysan Island (p. 7.9, BA) involve physical manipulation of the environment. The REIS should specify the nature of these activities.

The Pacific Ocean District Office of the U.S. Army Corps of Engineers should be contacted to determine the need for a Section 404 discharge permit for any portion of the proposed alternatives. If a permit is required, EPA will review the project for compliance with Federal Guidelines for Specification of Disposal Sites for Dredged or Filled Material (40 CFR 330) promulgated pursuant to Section 401(b)(1) of the Clean Water Act. Our evaluation would focus on the maintenance of water quality and the protection of wetlands, fisheries and wildlife resources. If applicable, the results of further study should indicate the amount of dredging required, potential disposal sites, types of fill material to be utilized, and quantities to be discharged into waters and wetlands that fall under Section 404 jurisdiction.

4. We have reviewed the State of Hawaii's Department of Health Administrative Rules 11-54 and 11-55 concerning water quality standards and water pollution control and find our proposed action to be in compliance. Reference has been made indicated in the Master Plan/EIS. Regarding a listing of current water quality levels for each island, atoll, reef and shoal, we believe this level of specificity to be beyond the scope of this conceptual Master Plan/EIS for the Refuge. We have indicated that our overall concept for management and development of the Refuge will be in compliance with State standards.

5. Additional description of these projects has been provided in the Environmental Consequences Section. The shore protection project is needed to maintain Tern Island and provide all of the benefits associated with continued operation of the facility (see Section VI.6.). The project is not likely to have a significant long term environmental effect. Applications for Section 404 permits will be made as plans and specifications for these projects are developed. The Corps is required to prepare an environmental assessment prior to issuance of these permits.

**SUMMARY OF FINDING, OBJECTIONS  
AND FOLLOW-UP ACTION**

Environmental Impact of the Action

- 1D--Lack of Objections**  
DPA has no objections to the proposed action as described in the draft impact statement or suggests only minor changes in the proposed action.
- 1E--Environmental Concerns**  
DPA has identified environmental impacts associated with the proposed action that should be corrected in order to fully protect the environment.
- 1D--Environmental Objections**  
DPA has identified significant environmental impacts associated with the proposed action that should be avoided in order to adequately protect the environment. DPA intends to work with the proposing agency to reduce these impacts.
- 1E--Environmentally Unsatisfactory**  
DPA believes that the proposed action is environmentally unsatisfactory because of its potentially harmful effect on the environment. If the potential for unsatisfactory impacts is not corrected at the final EIS stage, the project will be recommended for referral to the CED. DPA intends to work with the proposing agency to reduce these impacts.

Adequacy of the Impact Statement

- Category 1--Adequate**  
The final impact statement adequately sets forth the environmental impact of the preferred alternative or action and adequately sets forth alternatives that are reasonably available to the project or action.
- Category 2--Insufficient Information**  
The draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS which could reduce such environmental impacts of the action. The inadequate information, data, analyses, or discussion should be included in the final EIS.
- Category 3--Inadequate**  
The draft EIS does not adequately assess the potentially significant environmental impacts of the action, or the reviewer has identified new, reasonably available, alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS which should be analyzed in order to reduce the potentially significant environmental impacts. The inadequate information, data, analyses, or discussions are of such a magnitude that they require full public review at a draft stage. This finding constitutes a finding that the draft EIS does not meet the purpose of NEPA and/or the Section 109 review, and thus must be formally revised and made available for public comment in a supplemental or revised draft EIS.

Comment

**John S. Carroll**

November 9, 1984

Refuge Manager  
Hawaii & Pacific Islands National  
Wildlife Refuge  
P. O. Box 50187  
Honolulu, Hawaii 96850

Gentlemen:

The attached comments of John Kerle basically reflect my concerns with respect to the Master Plan and Environmental Impact Statement regarding the Hawaiian Islands National Wildlife Refuge. It is a privilege to be allowed to review this matter and I am sorry that I did not return this sooner. Due to a number of political involvements I have been unable to respond until now.

Very truly yours,

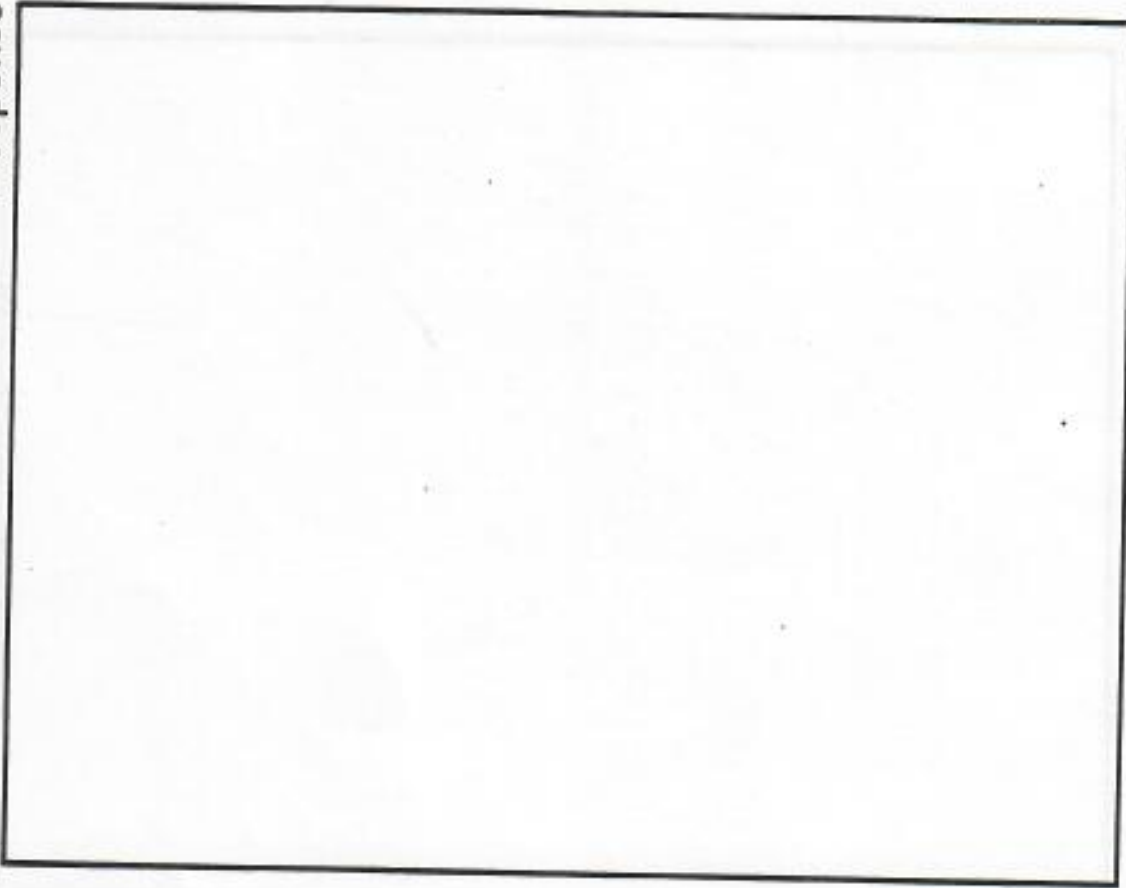
*John S. Carroll*  
JOHN S. CARROLL

JSC:NU  
Enclosure



906 financial plaza of the pacific suite 906  
honolulu, hawaii 96813 (808) 521-5027

Response





92-1188 Kookaha St.  
Ewa Beach, HI 96767  
October 21, 1984

Dear Sirs,

As a concerned individual, who has had the privilege of visiting Midway, Nihoa, and Kure Islands, I reviewed with interest the Draft Master Plan/EIS for the Hawaiian Islands National Wildlife Refuge. I generally agree with the Preferred Alternative, subject, however, to the following comments.

1) I do not think that the delineated alternatives give adequate consideration to the diversity and vulnerability of habitats in the NW Hawaiian Islands, or the degree to which their biological environments have been affected historically. A policy applicable to all the islands may, in procedural manner, provide over-stringent or redundant protection for some areas, with commensurate attenuation of other potential uses, while leaving other islands vulnerable to drastic perturbations. Had the Draft Master Plan/EIS analyzed the NW Islands in terms of habitat vulnerability, diversity, and the degree of historical modification, I believe that Nihoa Island would have stood out as the greatest biological treasure among the NW Islands, and an area deserving more stringent protection than any of the other islands.

Nihoa is unique because of its complex terrestrial community, with high rates of endemism, and many species yet undescribed. This community is virtually unaffected by the activities of modern man in dramatic contrast to other islands like Laysan. As one of the few relatively undisturbed tropical islands in the world, Nihoa is a unique laboratory to study and test island theories of speciation. I suspect that such studies will become increasingly important as human environments throughout the world are reduced to "islands" by the activities of man. Accordingly, I strongly disagree with the relatively low priority (B2) given to terrestrial endemic/native species maintenance on the prioritized list of some outputs on page 2.1.

The Nihoa biological community is highly vulnerable to the introduction of exotic vegetation, potential predators like rats or cats, or even exotic arthropods like snakes, which have recently caused the extinction of the main Hawaiian Island counterparts to the now unique Nihoa terrestrial mollusk fauna. Additionally, the proximity of Nihoa to Kaula (I sailed there in one day) increases the risk of introduction of exotics.

Accordingly, I recommend the highest priority be given to the classification and study of the Nihoa terrestrial community, and that a prohibited zone be created for the waters surrounding Nihoa. At the present time I feel that it would be too risky to permit commercial fishing anywhere in the vicinity of Nihoa.

Response to John S. Carrall/John L. Earle

1. Your support of the Preferred Alternative is appreciated.
2. The diversity and sensitivity of the flora and fauna of Nihoa Island are highlighted on pages 3.12 - 3.14 of the Master Plan/EIS.
3. Endangered, threatened, sensitive and candidate species are the highest priority objective for the Refuge. Approximately 22 taxa endemic to Nihoa currently fall within this category. Priorities beyond those in the "vulnerable" species category are responsive to the legal mandates, policies and guidance included in Section IV of the Master Plan/EIS. As indicated under BAA Strategy #6, efforts to identify unlisted species in need of greater protection are ongoing. Finally, we feel strategies associated with output priorities 6-9 (Cultural Resource Protection, Wilderness, Research Natural Area, and Other Protective Status) will provide the protection and recognition for the unique natural and cultural resources of Nihoa Island - as well as the rest of the Nihoa.
4. The FWS has no jurisdiction in waters beyond the Refuge boundary.

## Comment

(2)

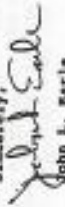
2) In contrast to Nihoa, where some of the alternatives seem to provide adequate protection, I believe that even the Resource Utilization Alternative gives unnecessarily stringent restrictions to public access to Tern Island. Despite extensive recent human activity, French Frigate Shoals remains the stronghold for monk seal and turtle distribution in the NW Islands, which suggests that these populations may not be overly sensitive to impacts that these populations may not be recreational Japanese shark fishing, or an earthwatch type program to protect turtle nests and facilitate transportation of hatchlings to the water might benefit the turtle and seal populations.

Since French Frigate Shoals is the only site in the MWR where all eighteen species of breeding seabirds may be seen, I envision a greater demand for public nature tours that the RUA would permit (pg. 6.34 "...a small number of tour visits... 6-8 per year... maximum of seven people..."). Frankly, I see no reason why occasional one day birdwatching trips could not be accommodated, with tour groups utilizing such available commercial aircraft as Hawaiian Air's D-7 STOL aircraft.

3) I am concerned that the Preferred Alternative may be opening Pandora's box by permitting access to cultural sites for religious purposes. Frankly, it is extremely doubtful that there remain any legitimate religious interests at Nihoa on Nihoa or Necker since the ancient Polynesian religion is extinct, the islands have been historically uninhabited, and the style of mares on these islands is distinct from that of the main Hawaiian Islands. Indeed, except for an ancient chant which may have alluded to the island now known as Nihoa, all knowledge of these islands had been lost at the time of Western Contact.

Aside from the desirability of limiting human contact on Nihoa and the difficulty of determining religious legitimacy, the refuge may be opening its gates to a troublesome group of activists, mystics, and malcontents by permitting religious visits. I suggest that the experiences of the U.S. Navy on Sahooleve might be illustrative.

Sincerely,



John L. Zarle

## Response

5. Monk seals and turtles coexist at French Frigate Shoals primarily because the resources of the Shoals meet their ecological requirements. Seal and turtle populations at the Shoals are presently being monitored to determine if the reduced level of human activity occurring since the Coast Guard left Tern Island (in 1979) will result in population increases. Considerable data exist to support the view that seals and turtles are sensitive to human proximity. (Seals were seldom seen on the beaches at Tern Island during the late 1970's when the Coast Guard Loran Station was operational.) During the past two years, there have been several occasions when over 100 seals have been sighted on the beaches during a single survey.

6. Demand for nature tours will likely exceed the capability of the refuge to support it. The number of tours is limited by the constraints noted in the discussion under RUA Strategy #6. An additional factor giving cause for limiting the number of tours is that aircraft take-offs and landings cause disturbance among seabird colonies nesting alongside and at either end of the runway at Tern Island.

7. Access to cultural sites for religious purposes will be extremely limited and rigidly controlled and supervised as indicated in the discussion under RUA Strategy #4. Additions to the text under this strategy have been made to reflect your comments.

Comment



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

DEPT. OF THE OCEANOGRAPHY

October 24, 1964

Refuge Manager  
Hawaiian and Pacific Islands  
National Wildlife Refuge  
300 Ala Moana Boulevard  
Room 5302  
P.O. Box 50187  
Honolulu, Hawaii 96850

Dear Sir:

This is in reference to your draft environmental impact statement for the Hawaiian Islands National Wildlife Refuge dated August 28, 1964. Enclosed are comments from the National Oceanic and Atmospheric Administration.

We hope our comments will assist you. Thank you for giving us an opportunity to review the document. We would appreciate receiving four copies of the final environmental impact statement.

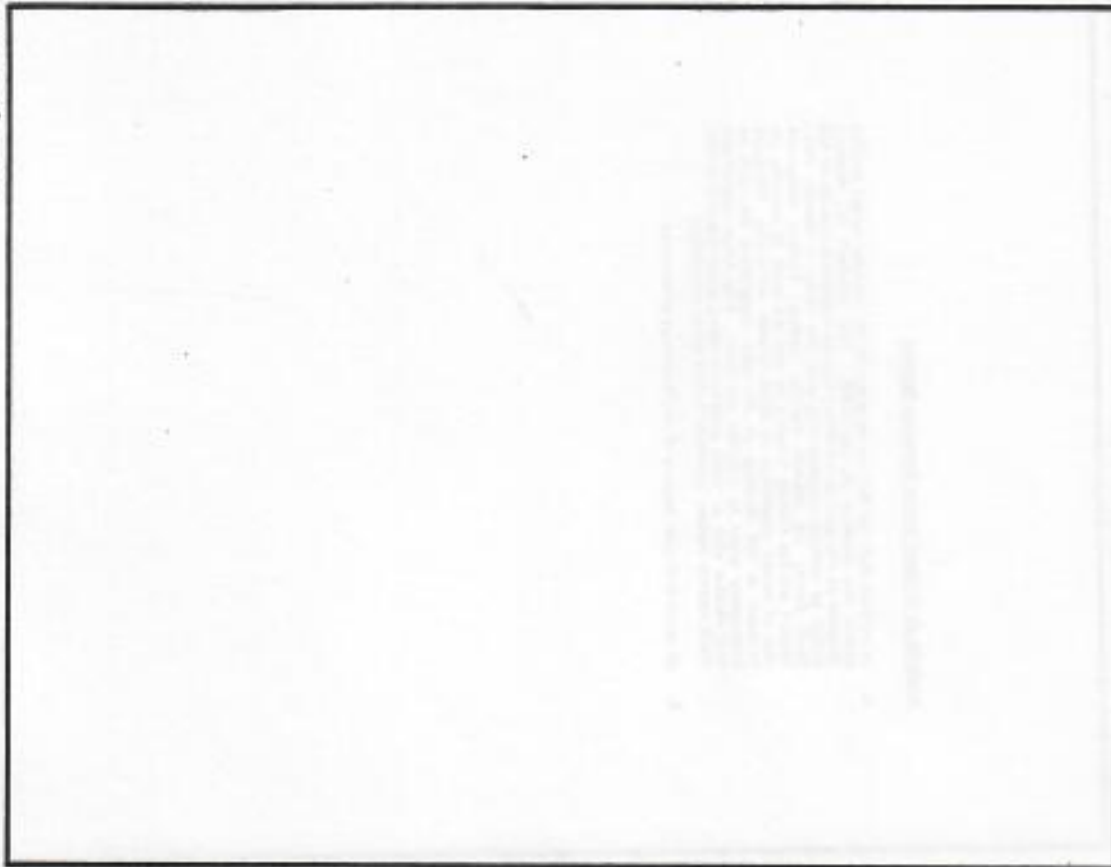
Sincerely,

*Joyce Wood*  
Joyce N. Wood  
Chief, Ecology and  
Conservation Division

Enclosure



Response





# Comment



UNITED STATES DEPARTMENT OF COMMERCE  
 National Oceanic and Atmospheric Administration  
 National Marine Fisheries Service  
 200 South Ferry Street  
 Sausalito, California 94965

October 11, 1984 9/2081:JAN-045:8782:  
 ETR:7AM

Refuge Manager  
 Hawaiian and Pacific Islands  
 National Wildlife Refuge  
 305 Ala Moana Boulevard  
 Room 3302  
 P. O. Box 3068  
 Honolulu, Hawaii 96810

Dear Sir:

The National Marine Fisheries Service (NMFS) has reviewed the draft environmental impact statement (DEIS)/Master Plan for the Hawaiian Islands National Wildlife Refuge, dated August 28, 1984. The following comments are offered for your consideration.

General Comments

NMFS was committed during the drafting of the DEIS/Master Plan. Resources for which NMFS bears a responsibility, and the alternatives presented to reduce adverse impacts on these resources, have in general been addressed to our satisfaction in the DEIS, other than the noticeable redundancies throughout the document it appears to be a well written, thoughtful and comprehensive presentation.

No question the proposal to regulate vessel activity by the U.S. Fish and Wildlife Service (FWS) outside the Hawaiian Islands National Wildlife Refuge (NWR) boundary. The same concern applies to the proposed requirements that vessels near the Northwestern Hawaiian Islands (NWHI) take measures such as filing front plans, regular radio reports and mandatory use of GPS. In addition, the proposed establishment of 100 fathom contour regulations for vessels outside of 3 miles would infringe on freedom of the high seas. These proposals need to be carefully scrutinized as to legality. Perhaps a change in the Inter-governmental Maritime Consultative Organization (IMCO) status of the "Area to be Avoided" from advisory to regulatory would be the proper approach. This would involve an international treaty making process which would be binding on all signatories.

In terms of resource protection, the Resource Preservation Alternative (RPA) would be the preferred alternative, particularly when considering the status of the Hawaiian monk seal (*Monachus schauinslandi*) and the green turtle (*Chelonia mydas*), two vulnerable species for which this agency has major responsibility. However, we note that the Preferred Alternative (PA) conceals a fair and balanced mix of resource preservation and utilization needs. With some possible refinement NMFS agrees that this alternative should be the recommended action.



# Response

Response to National Marine Fisheries Service

1. We realize that the FWS has no authority to regulate vessel traffic beyond the boundary of the NWR. This proposal is, however, directed at the need to minimize risks to vulnerable species of the Refuge by working cooperatively with the State of Hawaii, NPS, Coast Guard, the Western Pacific Regional Fishery Management Council and the fishing industry to seek out means of reducing the risk of vessel groundings on NWR islands and reefs. Proposals included in our Strategy #1 are only suggestions for such an interagency group to consider and test. Only those suggestions that receive wide or total acceptance among group representatives would receive further attention before being implemented.
2. We appreciate your support of the Preferred Alternative.

In order to evaluate more completely the effects on the Hawaiian monk seal and green turtle from HMMR master planning and the State of Hawaii's membership proposal for French Frigates Shoals, we recommend reinstatement of formal consultation under Section 7 of the Endangered Species Act of 1973, as amended. The original consultation was conducted to evaluate the impacts of refuge activities, a proposed wildlife feasibility study, and the use of Tern Island as a fishery support facility, on threatened and endangered species in the HMMR based on activity information which was current at the time. These consultations were completed and Biological Opinions were issued by NMFS on March 11, 1981 and November 3, 1982. The request for reinstating consultation should be addressed to: Regional Director, Southwest Region, National Marine Fisheries Service, 360 S. Ferry Street, Terminal Island, California 90733.

**Specific Comments**

**MINNEAPOLIS**

Page 0.1, paragraph 1. This paragraph states that the monk seal population recovered to about 1200 animals in the late 1950's, but over the last 25 years, surveys indicate that the population has declined again to 560 seals in 1982. This statement should be deleted since the figures given are actually beach counts and do not represent the actual monk seal population.

Page 0.2, paragraph 4, Page 0.5, paragraph 4, Page 2.22, paragraph 4. Blundin tuna (*Thunnus albacares*) are only rarely taken in the offshore waters of the HMMR and should not be included as an important commercial species in this area.

Page 0.5, paragraph 2. While commercial harvest of tuna may indirectly affect seabird prey species, such impact may not necessarily be detrimental since removal of tuna, a major predator, may actually reduce competition between tuna and sea birds for the same prey species.

**III. AFFECTED ENVIRONMENT**

Page 3.19, paragraph 2. Recent lobster fishing in the HMMR has resulted in large catches of slipper lobsters. (Between August 1, 1984 and September 14, 1984, vessels also approximately 45,000 legal slipper lobsters were landed, versus 172,000 legal spiny lobsters for the same period). It can be said that slipper lobsters are of serious commercial interest.

Page 3.21, paragraph 2. The abu (*Upeneichthys*), an important bottomfish species, is most commonly taken from water depths of 20-40 fathoms depth, not 50-150 fathoms as stated in this paragraph.

Page 3.22, paragraph 1. 80% laws of an legal foreign longline fishing for tuna and billfish presently occurring in the Fishery Conservation Zone of the HMMR.

3. We concur. A Preliminary Draft Master Plan/EIS was sent to the NMFS, Western Pacific Program Office on July 13, 1984 for "informal" consultation purposes. Upon completion of the Preliminary Final Master Plan/EIS we will request formal Section 7 consultation by NMFS.
4. We concur with your specific comments and have modified the Master Plan/EIS appropriately.

Page 3.2, paragraph 1. The lesser estimate of the wandering humpback whale population in the Hawaiian Islands is approximately 1,200 animals. (Darling, 1983, in press).

There are no records of gray whales having been sighted in Hawaiian waters. Under the category of "other large whales" we suggest the inclusion of the humpback whale (*Megaptera novaeangliae*), a species sighted and confirmed on several occasions in the MHI. In addition, this section should include a listing of cetaceans known from Hawaii. The Status of Hawaiian Cetaceans. See: Shallenbarger, Edward (1983). The Status of Hawaiian Cetaceans. Final report to U.S. Marine Mammal Commission (Report No. 83C-7773).

Page 3.29, paragraph 2. It can be argued that the Honolulu market has shown the ability to absorb greatly increased catches from the MHI, particularly during certain seasons and/or when numbers of tourists are at high levels as with.

IV. PLANNING CONSTRAINTS AND CONSIDERATIONS

Page 4.3, paragraph 3. To our knowledge the agreement for jurisdictional responsibility for the Hawaiian monk seal remains informal and has not been signed by either IAS or MHI. A draft memorandum of agreement has undergone several reviews and alterations and is presently being evaluated by the IAS.

Page 4.5, paragraph 2. The last sentence should include numerous groundfish as one of the fish being developed by the Western Pacific Regional Fishery Management Council.

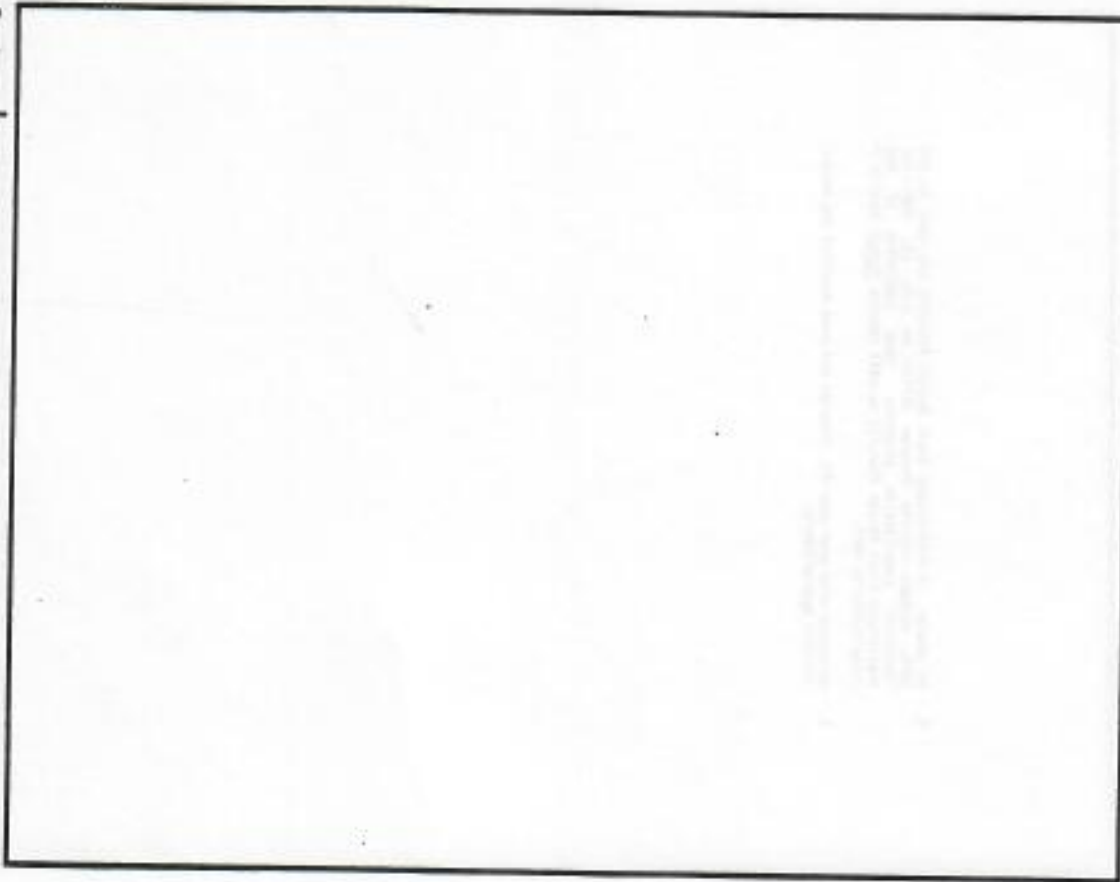
Page 4.7, paragraph 3. The DCO advisory for certain types of ships to avoid the MHI should be upgraded to regulatory status if possible (See General Comments above). The regulations should be broadened to include ships carrying general cargo, not merely oil or hazardous chemicals. Midway and Kure should be included in the DCO designations.

Page 4.22, paragraph 5. MHS is a signatory to the revised treaty Wildlife Management Agreement for Midway Island and should be noted here. The agreement is presently being reviewed by the U.S. Navy.

Page 4.24, paragraph 2. Ocean Mining. At the present time a DEIS is being developed for the proposed lease sale of cobalt-nickel manganese crusts in the exclusive economic zone (EEZ) of the Hawaiian Archipelago. A separate EIS will have to be prepared prior to actual ocean mining of the crusts.

V. FORMULATION OF OBJECTIVES

Page 5.2. Hawaiian Islands NOK Outpost List. 1989 suggests the unique concentrations of three species of *Acropora* coral at French Frigate Shoals be considered for inclusion as a "Vulnerable Species" in the Master Outpost List. This would include these marine species (example: *Chaetodon trifasciatus*) associated with the genus *Acropora*.





VI. ALTERNATIVES INCLUDING THE PROPOSED ACTION

Page 6.25, paragraph 4. The strategy of regulating and monitoring nearshore traffic should be vigorously pursued as it is the most feasible way to prevent groundings, potentially the greatest threat to biological resources in the BIRMG.

Page 6.28, paragraph 15). The strategy to "conduct extended field camps and/or semi-annual boat surveys of BIRMG Islands" increases the chance of accidental introduction of pests and diseases. The gathering of additional resource data may not be worth the risks to the sensitive biota of the Islands.

Page 6.31, paragraph 2). The strategy to "monitor impacts of commercial fishery on listed species" should be included in the Preferred Alternative and as listed in the chart on page 6.5.

Page 6.34, paragraph 11). The scope of "recreational opportunity" and "storage space" to be made available to the fishing industry should be detailed in this section.

Page 6.37, paragraph 6. We support the Preferred Alternative recommendation to delay action to upgrade BIRMG waters to Mildersea status until the uncertainties mentioned can be resolved.

Page 6.43, paragraph 3. Typing errors were not indicated in our report. However, many relatively minor errors were found. Example in this paragraph: "Over 90% of the remaining Hawaiian populations live on East and Westside Islands at PPS." Change "rest" to "vents."

TECHNICAL APPENDICES

Page 105, Other Recreations. We feel it is unrealistic to deny recreation to field camp personnel in remote island areas of the BIRMG. Rather than refuse permission for something that probably occurs anyway, guidelines should be set.

Page 106, paragraph 5. We have no data to substantiate that lower catches of ahi in the 1960's were due to overfishing. Lower ahi catches in the Hawaiian fishery probably resulted from a combination of factors including reduced fishing effort and changes in market conditions.

Page 107, Ahi Fishing. The following general comments on this output are offered for your consideration:

An expansion of ahi fishing is unlikely to occur with long distance pole and line vessels. Lack of bellfish, low ahi prices, and more efficient purse seine vessels weigh against a long distance pole and line fishery. The Japanese are phasing out pole and line vessels. Expansion of the ahi fishery in the BIRMG is most likely to develop with purse seines in conjunction with fish aggregation devices (FADs), both fixed and free floating.

The ahi fleet has not expanded. In 1968 there were 22 tuna boats, whereas in 1983 there were only 13. A vessel built in 1971 and now built in 1979 are the only recent additions to the ahi fleet. Most vessels are 25 years or older.

The low value of ahi casts doubt on the feasibility of transshipment of this species from pole and line operations in the BIRMG.

Comment

3

Page 109, paragraph 1. The maximum sustainable yield (MSY) of north Pacific albacore is not believed to be in a range of 131,000 - 190,000 short tons. The Southwest Fisheries Center (SWFSC), NMFS, in their most current estimates of MSY for the north Pacific albacore resource (September 1983), placed MSY in the 96,000 to 165,000 ton range.

Page 110, paragraph 2. Estimates of shrimp yield in the Hawaiian fishery are available. Although there are several species of demersal shrimp in Hawaiian waters, the caridean shrimp *Stomatopoda* appears to be by far the largest and possibly the most abundant species. The SWFSC, NMFS, in April 1984, estimated the abundance of *S. hirticornis* in the Hawaiian Archipelago at 2,500 - 5,000 metric tons.

Major investments have recently been made in the Hawaiian demersal shrimp fishery by a local shrimp fishing company. In addition, numerous vessel owners in Alaska and the Pacific Northwest have expressed an interest in entering the fishery.

Page 121-122. Aquarium Specimen Collecting. There appears to be a contradiction in this section. On page 121, paragraph 7, a statement is made that "aquarium specimens collection is not permissible within the refuge." On page 122, paragraph 7, it states that "limited entry collecting (for aquarium specimens) shall be permitted on a rotational basis...."

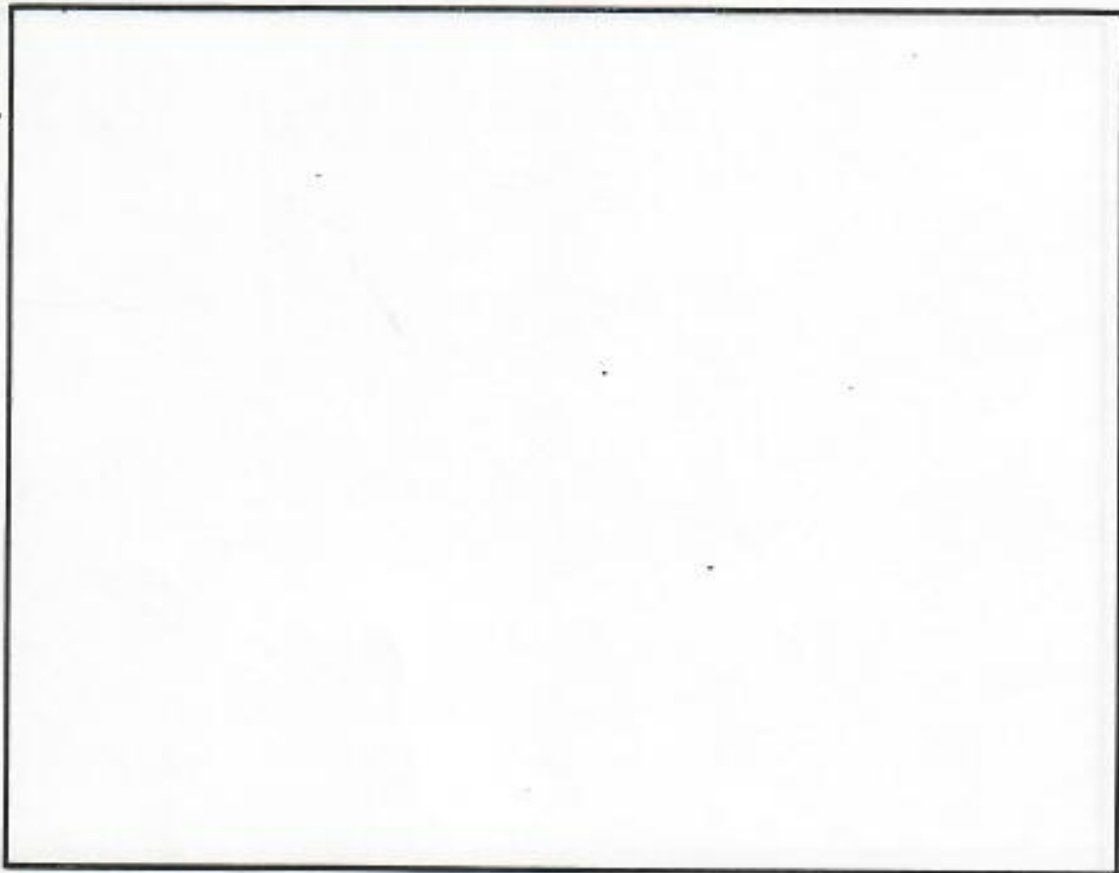
NMFS appreciates the opportunity to comment. Please send us the appropriate number of copies of the Final EIS/Revised Plan as soon as they become available.

Sincerely yours,

*E.C. Peterson*  
Regional Director

cc: F/2083, Jim Stansen  
F/MSI, Ken Roberts

Response





**National Audubon Society**

217 ALEXANDER PLACE, SACRAMENTO, CA 95827 (916) 461-1111  
 P.O. Box 20197  
 Honolulu, HI 96820

October 23, 1984

Mr. Dick Voss, Refuge Manager  
 Hawaiian Islands National Wildlife Refuge  
 P.O. Box 20197  
 Honolulu, HI 96820

Dear Mr. Voss:

On behalf of the National Audubon Society we appreciate the opportunity to comment on the Hawaiian Islands National Wildlife Refuge Masterplan/Environmental Impact Statement of August 28, 1984.

In general, we find the plan and impact statement to be a comprehensive treatment of the issues which face the refuge and its many resources.

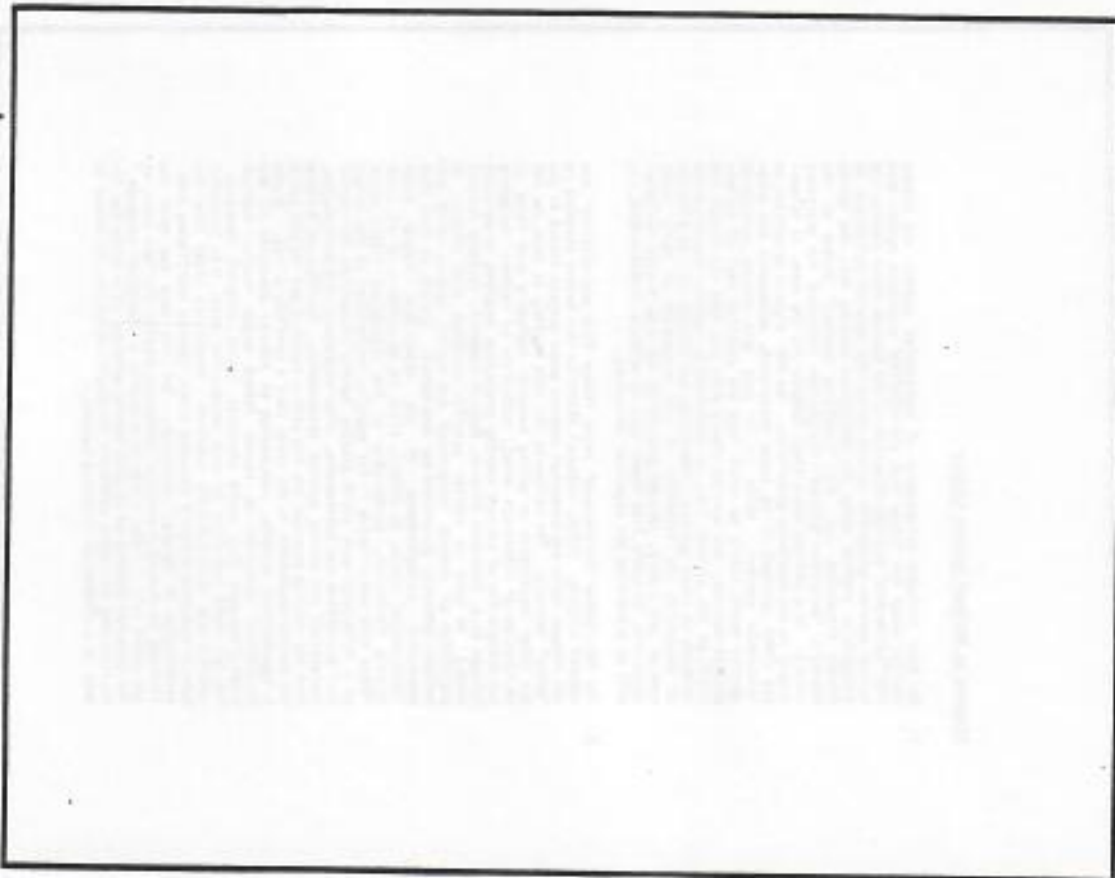
We would like to preface our specific comments by establishing the National Audubon Society's view of the purposes served by the national wildlife refuge system. We believe that the basic purpose of the system is the preservation and protection of native wildlife populations and habitats in their natural diversity. The preservation of wildlife has several long-term goals, including the enjoyment of present and future generations, and the inherent right of native species to inhabit land, air and water and to evolve independently of human use.

Management of the refuges must further this basic purpose. Wildlife conservation programs such as endangered species restoration, research and law enforcement are top priority. Recreational, economic, cultural or social activities on refuges constitute secondary uses and must be subjected to strict application of a compatibility test to determine whether they conform with the basic purposes of the refuge system. Such uses must be demonstrably beneficial or neutral to the preservation of wildlife and habitats.

Secondary uses of refuges almost invariably result in a diversion of funds and personnel from primary refuge resource programs. Habitat and wildlife populations may be diminished and refuge management detrimentally impacted. For these reasons, all secondary or nonconforming uses of the refuge system must be very carefully evaluated and generally should be discontinued.



AMERICANS COMMITTED TO CONSERVATION





# Comment

Mr. Dick Mose  
October 25, 1964  
Page 2

The Swains Island National Wildlife Refuge (SWINR) is unique among the 400 units which comprise the refuge system and is truly a treasure of national and international significance. It is home to at least 18 endemic species of plants and animals, 6 of which are classified as endangered or threatened by Federal law. Because the refuge is geographically isolated and still basically intact, it ranks as a tremendous area to study the processes of biological evolution. With over 5.4 million breeding birds and a resident population amounting to 12-14 million birds, the SWINR is among the world's most important seabird colonies.

In view of these unique biological values, management decisions impacting the refuge must be made with great care and sensitivity. At stake is an irreplaceable resource.

The following specific comments are directed to address the five substantive topics contained in the cover letter which accompanied the draft plan:

### Protection of Endangered, Threatened and Sensitive Wildlife Species

We believe that protection of endangered, threatened and sensitive wildlife species must be maintained as the prime management objective for the SWINR. Probably no other unit of the NWS system includes so many species as vulnerable to extinction due to their uniqueness and/or population declines. Management of the refuge must take place with the goal of maintaining these vulnerable species. We would include in this objective the maintenance of terrestrial endemic and native species, not currently protected by the Endangered Species Act of 1973. SWINR should remain as an example of the national diversity and unique biology which typified the entire Hawaiian Islands chain before human discovery.

### Priority of Refuge Objectives

The prioritization of the Restoration should be in priority order:

- 1) vulnerable species
- 2) other fish and wildlife
- 3) seamounts
- 4) education/interpretation
- 5) other public uses

This ranking is in harmony with our view that SWINR is primarily a biological resource which offers a tremendous opportunity for improving our understanding of evolution.

We believe that the scientific objectives in inherent in the protection of vulnerable species and other fish and wildlife. Swinco strongly supports such research on the refuge which is compatible with wildlife protection and which provides insights into the functioning of plant and animal communities. All research programs must pass the compatibility test of the Refuge Administrative Act.

# Response

### Response to National Audubon Society

1. We have included maintenance of terrestrial endemic and native species under the "Other Fish and Wildlife" objective rather than the "Vulnerable" species objective mainly because these endemic and native species presently do not enjoy the special protection or recognition granted under the Endangered Species Act, the Marine Mammal Protection Act, the "Candidate Species" status or the Region's "Sensitive Species" designation (reserved for migratory birds). In a climate where tight budgets are the norm, it is necessary to set realistic priorities. The few highest priorities on the SWINR continue to be those threatened, endangered and other vulnerable species. While it is true that future endangered species could likely be drawn from the existing pool of native/endemic species, the Service simply does not have the budget and staff at the present time to individually conduct investigative research on these species. Therefore, our efforts will be directed at preserving the integrity of the ecosystem of which these species are a part, thereby preserving the opportunity for other scientists to study life forms such as endemic invertebrates, as well as preserving the organisms themselves.

2. The FWS ranked "Environment" above "Other Fish and Wildlife" for several reasons. First, national direction for master planning on all refuges reads environmental outputs above outputs listed in the "Other" category. The rationale for this ranking is that the FWS has clear legislative or policy mandates regarding such items as designation of Wilderness areas, protection of cultural resources and designation of various overlay protective measures on existing refuges (e.g. Biosphere Reserves, World Landmarks, Research Natural Area). We have no similar specific mandates with respect to protection of endemic terrestrial and marine species which are neither federally threatened nor endangered. Second, we feel that "Environment" would, in effect, allow us to achieve, or at least greatly facilitate, achievement of the objectives listed under "Other Fish and Wildlife." For example, designation of the Refuge as a Wilderness area would greatly further objectives for marine bird production and maintenance, other migratory bird maintenance, terrestrial and marine species maintenance. Finally, we believe that the ranking provides the FWS with a rational and logical basis for making trade-offs in the event that a conflict arises. To use a hypothetical example, restoration of natural diversity of the terrestrial ecosystem on Laysan Island might involve habitat alteration work that could adversely impact cultural resources. The FWS could subordinate to such restoration until this potential conflict was satisfactorily resolved. Resolution might take the form of avoiding cultural resource areas, thereby sacrificing some restoration of natural diversity. The FWS does not have the latitude to disregard cultural resources despite the fact that, as you point out, "...the SWINR is primarily a biological resource." The priority ranking of outputs merely provides as a mechanism for facilitating the often difficult trade-offs which we are forced to make in a climate of shrinking budgets.

Mr. Dick West  
October 25, 1984  
Page 3

Environmental Consequences of the Proposed Alternatives as Compared to either Alternative Considered

Unacceptable Risks

The Preferred Alternative (PA) presents a number of management strategies which would substantially improve upon current conditions at HMMB.

We strongly support the regulation and monitoring of seabirds nesting on boat traffic. Groundings, oil spills, unbuffered landings and the introduction of exotic species are all exacerbated by vessel traffic. The establishment of a comprehensive control program as described in the PA should be a top priority for implementation.

We are, however, somewhat short of establishing additional contingency populations of endemic land birds, consistent with recovery plans. It appears that the PA allows for such augmentation but to a lesser degree than the Resource Preservation Alternatives (RPA). We support the development of contingency plans to be used in emergency but believe that the natural distribution patterns of these species should be maintained.

Exigencies

We believe that the value and uniqueness of the HMMB make it a deserving candidate for the special recognition and protection afforded by classification as a World Heritage Site, Biosphere Reserve, and National Natural Landmark. Such classifications would no doubt be required to allow for compatible research, management, and interpretive activities within the refuge.

We strongly agree with preserving HMMB as a refuge status for HMMB. That area is clearly related to the HMMB and such an overlay would increase coordination and improve management of HMMB and the HMMB. We believe the precedent established on Johnston Island where wildlife is managed by the NM and the facility by the Defense Department is the proper model for HMMB.

We acknowledge and support the opportunity for cultural and religious visits to the refuge providing such activities are closely regulated to avoid impacts on the wildlife of Necker and Nihoa Islands.

Other Fish and Wildlife

National Audubon supports the provisions of this element, particularly the monitoring of commercial fishery impacts on these species.

The expansion of the commercial fishery in nearby waters presents a significant risk to the refuge's seabird populations. The associated impacts with increased competition between feeding seabirds and the fishing fleet need to be closely evaluated.

2. See Responses to the Western Pacific Regional Fishery Management Council, #4, page 8.73.

4. The FMS at this time has made no decision to transplant endemic species. Transplantation is, however, a management option which we feel we need to keep open, given the precarious situation of some of the listed endemic birds on the Refuge. [Also see Response to Audrey Noonan's letter, #6, page 8.37.]

5. The FMS feels that while these designations would provide additional layers of protection for the Refuge, before nomination procedures are pursued, careful study is first warranted. We are uncertain, for example, how these designations might affect our management flexibility on the Refuge. Obviously, we would want to ensure that these designations in no way restrict management activities essential to the achievement of Refuge objectives. As pointed out in this comment, FMS would want to ensure that the designations were fully compatible with research, management and public use needs. See responses to Hawaii Audubon Society, #10, page 8.46.

6. We concur. The FMS is working closely with the U.S. Navy to complete the MR overlay of Nihoa by the close of our fiscal year 1985.

7. The FMS is fully cognizant of the potential impacts on seabirds associated with an expanded commercial fishery in the HMMB. [See information in the Output Summaries, pages 87, 88 and 117-128 of the Technical Appendix relating to possible impacts of increased competition between feeding seabirds and the fishing fleet.] As indicated in "Other Fish and Wildlife" strategies under the PA, appropriate studies would be undertaken to monitor the effects of commercial fishing on seabirds as well as other endemic life forms.



Mr. Dick West  
October 23, 1984  
Page 9

**Scientific and Professional Services**  
 Evidence supports the objectives of the PA with the exception of the historical aerial photo survey subgoal. Because much of the refuge is unattended or difficult to access, it appears that the benefits of photo surveying the refuge every year more than outweigh the costs.

We support the extended field camp restrictions but strongly recommend that rigorous attention be given to avoiding both on-site wildlife impacts and the accidental release of exotic organisms.

**Education and Interpretation**  
 We support the education and interpretation objectives of the PA, particularly those relating to off-site programs. While we also support the on-site programs contained in the PA, we recommend that refuge personnel assign RIMBIZ importance to wildlife management and protection and RAZZMORRIZ importance to facilitation of on-site visitation.

On-site education and interpretation should be geared to broadly increasing the public's understanding and appreciation of the refuge. We would not support visitation of a more recreational nature where the major benefits would be restricted to the visiting group itself.

**Support for Compatible Public and Economic Uses**  
 In reviewing the draft RIMBIZ masterplan it is clear that the primary public and economic items being considered is the proper role of the refuge in supporting the area's commercial fishery.

We believe that all demands made on refuge resources or personnel must be compatible, or in harmony with the basic mission of the refuge. As previously stated, secondary uses tend to divert already limited management resources away from the management objectives which created the refuge in the first place.

RIMBIZ was established to protect a recognized seabird resource of national significance. In later years its value as a haven for endangered and endemic species became known. Proposed uses for the refuge must recognize and honor the values which led to its formation.

We believe that the unique and fragile nature of the refuge, the fish and wildlife services RIMBIZ program goals, the mission of the refuge and the need for public use policy all argue against favoring the refuge in the direct and on-emergency support of the commercial fishery.

Our concerns with commercial fishing are the greater risks of grounding and accidents through increased fishing traffic, and the competition for fish between the seabird populations and the fishing industry.

We acknowledge that management of fishing beyond the boundaries of the refuge is not and should not be the duty of the FWS. However, we do believe that refuge facilities should not be utilized for recreation or storage of

9. While an aerial photo survey would be preferable, the FWS believes a survey once every other year, in combination with extended field camps and/or annual boat surveys, should suffice. Obviously, if a major ecological disaster such as a hurricane were to strike the island, the FWS would likely take special measures to strike an aerial photo survey soon after the event. The survey would greatly facilitate an inventory of damage to the refuge in terms of vegetation losses, changes in island configuration, damage to seal habitat and pupping beaches, etc.

10. The recommendation is consistent with the priorities given in the Master Plan - wildlife use objectives have priority over public use objectives.

11. We concur with this comment.

As long as the FWS maintains an operating station on Tern Island, the primary and major role that we will fulfill with respect to commercial fishing is to provide emergency logistical support. The FWS has no intentions to permit use of Tern Island facilities as a staging or principal storage area for commercial fishing. As explained on page 4.17-4.19, the State's current proposal for a partnership and catcher vessels is an operation that could basically function independently of any land-based facilities. We therefore do not anticipate, nor do we have facilities to accommodate anything resembling a "staging area." What we do expect are occasional requests for short-term storage of gear or limited day-use recreation on Tern Island to break the tedium of extended fishing periods at sea. Clearly, we do not have in mind a rest and recreation center for fishermen. The strategies to lend support to the multi-species fishery (PA #21, SPA #16, PA #22 and SPA #11) have been rewritten to clarify the incidental role that the FWS would play with respect to "non-emergency support" for the fishing industry. These support activities will, of course, be closely monitored and if we subsequently determine that the risks are unacceptable, measures would be taken to limit our support to strictly emergency situations. Our current analysis of the situation, however, indicates that the risks are acceptable and we would view this strategy as contributing to the mutually beneficial working relationships which have evolved between the FWS and the fishing industry. While this relationship has contributed positively to resource management in the MHI, we intend to continuously monitor the nature of the relationship as that wildlife objectives are not compromised in the least.



Mr. Dick Wase  
October 27, 1964  
Page 5

materials to support of the expanded fishery. Emergency support is a more appropriate role for both the refuge facilities and staff. Therefore, we do not support the use of Tern Island as a staging or storage area for the fishing industry.

We support the provisions of the Resource Preservation Alternatives (RPA) regarding the use and placement of buoys. We see no serious problems in the placement of a mooring buoy outside of the refuge boundary to provide support for the commercial fishery. However, use of the existing buoy should remain restricted to legitimate emergency situations.

We would strongly oppose any proposals which would allow fishing within the leads and waters of the RIMM.

National leaders appreciate the efforts by the State of Hawaii to expand the economic base by enhancing the fishing industry. However, we would hope this could be accomplished without risking damage to the unique wildlife of the RIMM.

We would call upon the state to carefully reevaluate the Hamill Fishing Monument. This is recognition of recent information about the more realistic harvest levels in the area.

To the area of support for Compatible Public and Economic Uses, the RPA best fits the Federal management responsibilities for the refuge.

**Sustainability of the Tern Island Field Station**

The Tern Island Field Station is an absolutely essential element in the effective management and operation of RIMM. Without an adequately staffed and funded Tern Island facility, few, if any of the resource protection functions of the refuge could continue. It is clear that Federal management responsibilities for the refuge would be seriously compromised if the facility were not operational.

We would urge the RPA to maintain Tern Island as a high budget priority in the Pacific Region.

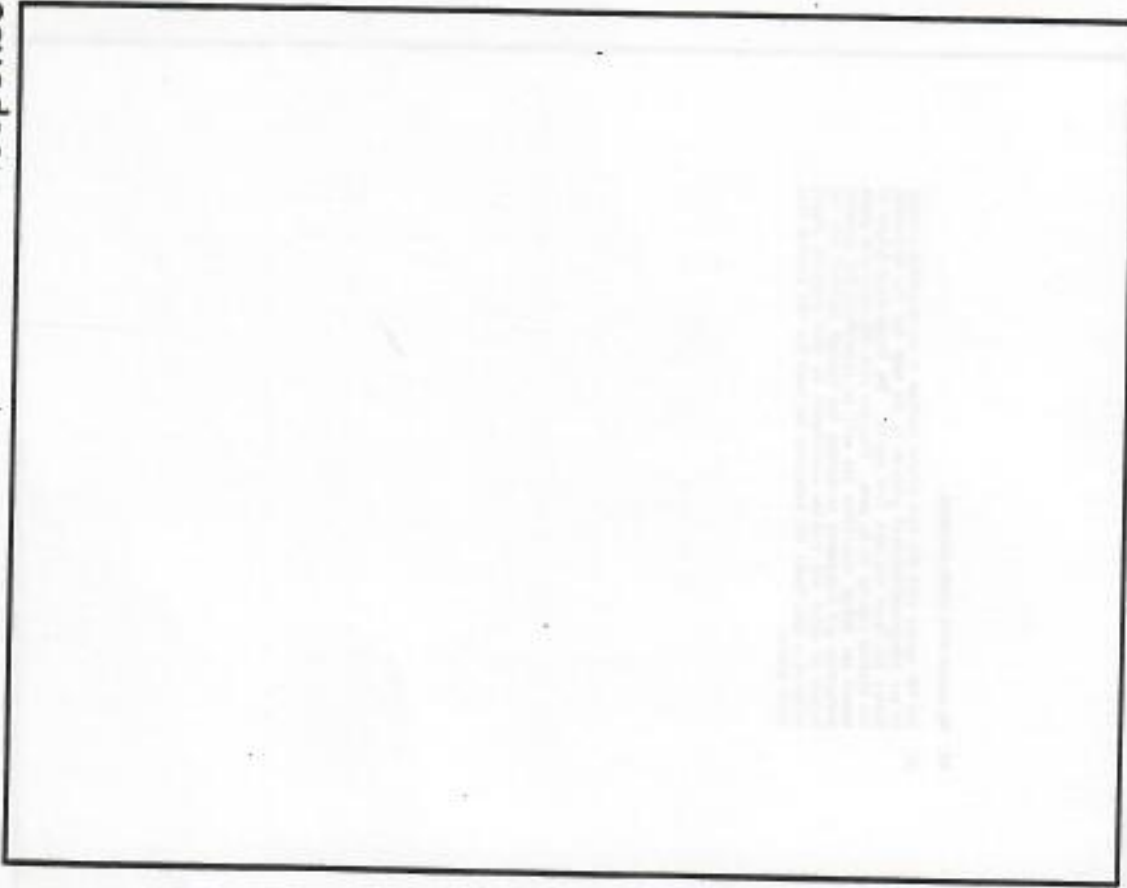
**Summary**

We appreciate the opportunity to comment on this important plan. We agree with much that is proposed in the preferred alternative but believe that it carries across, particularly compatible public and economic uses, improvements are still necessary. The RIMM is an important part of our national ecological heritage and management decisions impacting it must be made with great care. Hawaii, with its unique wildlife treasures, has been largely comprehended by the many activities of civilization in progress. But comments of this treasure arrive in the Hawaiian Islands National Wildlife Refuge. Let us plan carefully and act aggressively for its maintenance and protection.

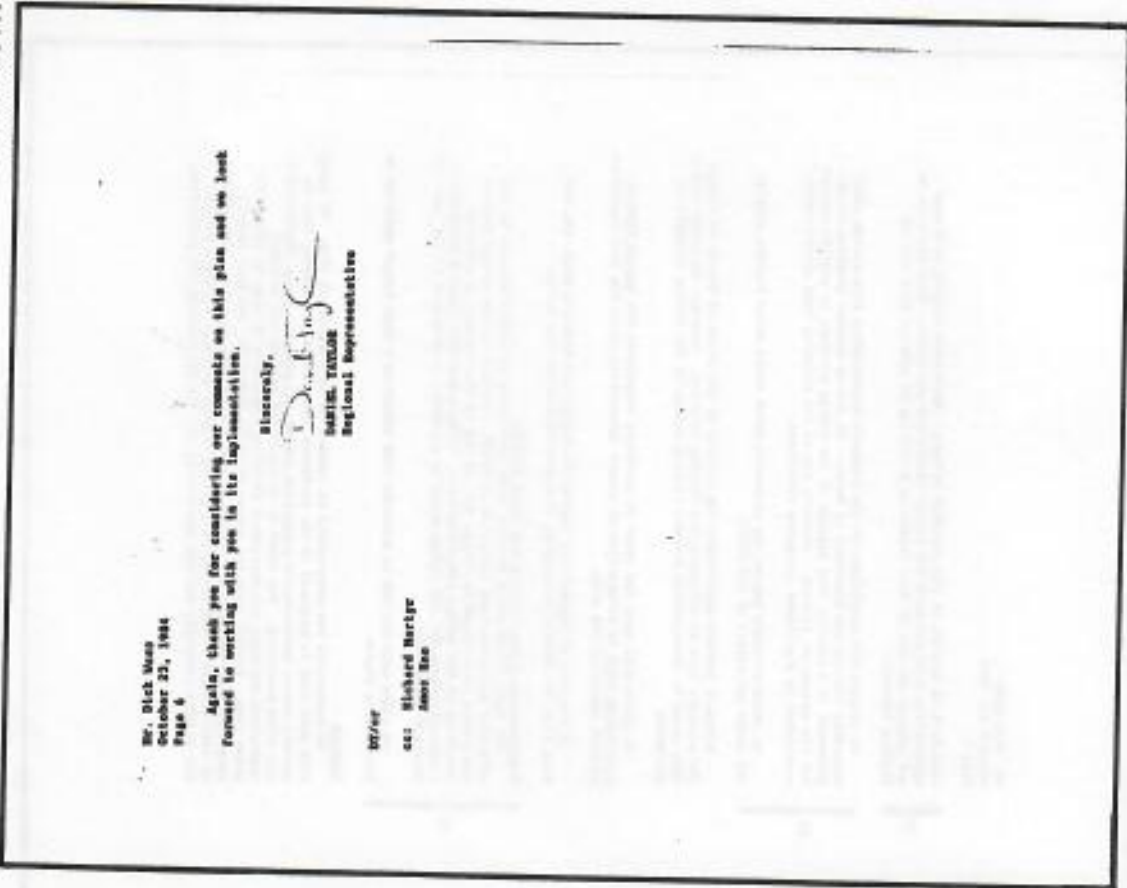
12. We concur with these comments.

13. The RPA agrees that the Tern Island station is an essential element in our management/research program in the RIMM for the foreseeable future (at least the next five years). The longer-term future of the station remains to be seen. Progress over the next five years toward our refuge objectives (as well as objectives for resource protection and management throughout the Central Pacific) and the extent to which the station contributes to that progress should allow us a good basis for assessing the need for the station five years hence.

Response



Comment





University of Hawaii at Manoa

Special Institute of Marine Biology  
 P.O. Box 1208 • Cannon Point • Kaneohe, Hawaii 96704  
 Cable Address: UHIMBIAW  
 September 28, 1984

Refuge Manager  
 Hawaiian and Pacific Islands  
 National Wildlife Refuge  
 200 Ala Moana Blvd., Rm. 5202  
 P. O. Box 50157  
 Honolulu, Hawaii 96859

Dear Mr. Camp:

Thank you for the opportunity to comment on the Draft Master Plan, EIS for the Hawaiian Islands National Wildlife Refuge. While the document seems comprehensive enough, I had some difficulty in evaluating the various alternatives. It seemed to me that the best "alternative" was a mix of those presented. In the table presented on pages 6.10 and 6.11 and again on 6.4 and 6.3, this was particularly evident. For example, my choice at the top would be to implement high priority research, however, this choice was not "available" if one were to choose either the preservation, utilization or "preferred" alternative plan. Since most people would most likely differ on what they perceived as an ideal mix of actions, it might have been wiser to present individual issues like SEARCH ACCESS giving a complete range of possible alternatives from complete restriction to open access and then seek input via public review or the public hearing process. The management alternatives as they are now structured, seem far too rigid.

Considerable discussion centered around the question of whether or not a mooring buoy should be permitted inside the HIRMR. The problem, of course, is one of that the engineering design of the mooring (weight and shape of anchor) would be as important as placement and yet there was no discussion on this topic. An absolutely safe mooring might be completely acceptable within the HIRMR. The statement on page 7.20 that vessel lights will attract wildlife particularly seals and turtles thereby increasing the risk of predation by sharks, is to my knowledge completely unfounded. I have of no documentation of such a thing other than the observation that people do occasionally see turtles and seals while anchored in the refuge at night. This does not prove attraction nor does it constitute evidence of increased shark predation. Statements such as this may damage the credibility of the document.

I would like to suggest one other change on page 3.1 at the end of paragraph one. If the words "of volcanic islands" were to be replaced by "and atolls"

Response to University of Hawaii at Manoa, Institute of Marine Biology

1. High priority research and all other strategies under the No Action and Gasoline Alternatives, are by definition included within the PA, MA and SMA. The latter three alternatives incorporate MA and MA strategies and, in addition, contain new strategies which emphasize either resource preservation (RPA) or resource utilization (RUA). The PA is really a hybrid of the MA and SMA. The alternatives represent the most feasible mix of strategies, given agency mandates for resource production and public demands for resource utilization. While it would have been theoretically possible to structure alternatives around individual issues such as research access, and to provide a full range of options from complete restriction to open access, we felt such an approach would have proven impractical, given the large numbers of issues and the multiplicity of options that would be possible for each issue. Therefore, we intentionally structured the alternatives around a set of issues (or strategies) which we felt were absolutely essential if our management objectives were to be achieved. Those strategies are shown under the MA and MA. We thus significantly narrowed the range of possible options, but in the process developed what we felt to be a more workable approach to identifying real-world, as opposed to theoretical, alternatives.
2. The PMS will investigate means for a more secure, permanent anchorage for both the existing (emergency use) mooring buoy inside the refuge boundary and the proposed buoy outside the boundary to be installed by the State of Hawaii and/or the commercial fishing industry. However, our concern for moorage in the vicinity of French Frigate Shoals extends beyond engineering considerations for the actual buoy. Our basic rationale for not providing a general moorage within the refuge boundary relates to higher risks posed by increased vessel traffic such as increased potential for collisions, groundings, and fuel spills.
3. Fishermen and observers on the Easy Rider II, Crowwell and Ferreira to name a few, have reported the attraction of turtle hatchlings and seals to their lighted vessels while fishing in the MHI. The statement on page 7.20 of the Master Plan/EIS has been amended to include reference to this phenomenon.
4. We concur. The Master Plan/EIS has been revised appropriately.



Response

5. Planning, like any other discipline, has its share of technical jargon. We have attempted to define some of the more important terms as they are introduced in the text. However, to facilitate reader understanding, we have added a short glossary of the key planning terms.

Comment

Refuge Manager  
September 24, 1984  
Page 2

5 the sentences, I believe, would be more scientifically accurate, and finally, the technical appendices might read more clearly if plain English were substituted for output jargon.

In conclusion, I find the document to be well written and comprehensive. The information is all there. It would even simplify a sector of organization to restructure the issues and questions so that individuals could express their optimal combination of best choice among the various alternatives. I hope these comments will be useful and constructive and I compliment you on the hard work that went into this planning effort.

Sincerely,  
*Richard W. King*

RICHARD W. KING  
Marine Biologist

RWK:rc

cc: Jack Bealman  
Philip Hallfrick  
Beak Cox



THE WILDERNESS SOCIETY

FOUNDED IN 1935

November 8, 1994

Refuge Manager  
Hawaii and Pacific  
Islands Region  
300 Ala Moana Blvd  
Rm. 5202, PO Box 50167  
Honolulu, HI 96850

Dear Sir:

On behalf of the over 100,000 members of The Wilderness Society (TWS), I submit these comments regarding the draft Hawaiian Islands National Wildlife Refuge master plan/EIS. They are sent several days later; we request your indulgence and ask that you consider them.

The Wilderness Society is impressed with the quality and substance of the plan. It appears to fully set forth and describe the relevant issues facing management of this important National Wildlife Refuge. It also portrays the extreme sensitivity of refuge habitats and key wildlife species, and the need to treat them delicately. The preferred alternative properly emphasizes refuge wildlife priorities and considers this sensitivity when determining which human activities may be compatible with refuge purposes. Thus, the preferred alternative is soundly balanced and supported by The Wilderness Society. Several specific comments and suggestions follow.

COMMERCIAL FISHING

TWS agrees that the commercial fishing membership should be accorded outside refuge boundaries. It is apparent from the EIS discussion that on-refuge locations could easily jeopardize reef and island habitat and negatively impact several endangered species, and would thus be incompatible with refuge purposes. The off-refuge site should also serve to minimize other environmental impacts and assure human safety by leaving the on-refuge moor for emergency situations.

Similarly, the disruptions caused by an on-refuge commercial fishery render it incompatible with refuge goals, due to impacts on the bird populations. Increased likelihood of poachings, and possible introduction of harmful exotics. TWS supports the decision to close the refuge to such uses. We fully endorse the proposed inter-agency committee to develop a mechanism for minimizing the likelihood of ship groundings.

1461 PENNSYLVANIA AVENUE, N. W., WASHINGTON, D. C. 20004

(202) 338-4400

Refuge Manager  
November 6, 1984  
Page Two

The preferred alternative would allow fishing crews to use Tern Island for recreation and other uses, while we agree with the general idea, we are concerned that it will be difficult to safely implement. Great care must be taken to insure that such activities do not disturb the monk seal or other species and habitats on the island. Thus, permissible recreation must be structured to protect these resources and closely monitored to ensure compliance; however, such activities could become a burden on refuge staff. Once a precedent of use is established, it is often very difficult to scale it down, so management must make it very clear from the onset that wildlife preservation is of utmost importance on the island, and that recreational activities must be circumscribed accordingly.

RECREATION

FWS also supports the limitation on general public entry and recreation. On a national wildlife refuge, protection of the natural resources should be paramount. Management must initiate programs to ensure that impacts do not conflict with refuge goals. While many refuges can safely absorb higher levels of visitor use, it is apparent that HIGB cannot. Due to the fragility of its ecosystem, low-level, carefully controlled visitor entry is necessary.

WILDERNESS

FWS urges refuge management to actively pursue having its lands and near shore waters declared wilderness. As the EIS clearly depicts, many refuge species thrive best in pristine, undisturbed conditions. Wilderness is an excellent tool for ensuring that their habitat needs will be fulfilled. Necessary existing outdoor uses can be grandfathered to the degree appropriate in the wilderness designation process.

CRITICAL HABITAT DESIGNATIONS

FWS urges FWS and HWS to adopt critical habitat proposals on HIGB for the monk seal and purple sea urchin. Especially for the monk seal, the need for such designation is obvious, given its extremely limited range. Such designations would further ensure that all future activities will fully consider the imperiled status of these species.

Likewise, HIGB lands should be considered for World Heritage Site or Biosphere Reserve status by the FWS. These designations could serve to highlight the exceptional ecological richness harbored by the islands and surrounding waters.

Response to The Wilderness Society

1. The strategies to provide non-emergency support to the commercial fishing industry (FA #21, BFA #15, PA #22 and NIA #11) have been clarified to address these concerns. (See also the response to the National Audubon Society, #11, page 8.64.)



Refuge Manager  
November 9, 1984  
Page Three

TERN ISLAND REFUGE STATION

It is clear from the EIS discussion that the Tern Island Station is of critical importance to management efforts on the refuge. Without the station, refuge management would largely be straggled of its ability to monitor wildlife populations and habitat and human impacts upon them, provide research opportunities, protect refuge habitat from invasion by harmful exotics, ensure that human activities are compatible with refuge purposes, etc. The refuge could no longer be properly managed if the Tern Station were abandoned. It should remain an integral facet of management operations.

2

OVERLAY REFUGE STATUS AT MIDWAY

The rich wildlife resources of Midway Island make it a prime candidate for refuge status. FWS believes legislation should be introduced to establish a national wildlife refuge on the island. While it might be necessary to have refuge status be secondary to certain current uses, the legislation must grant FWS full authority to take necessary actions to ensure that wildlife preservation goals are fulfilled.

Another possible arrangement would be to rewrite and expand the current cooperative wildlife management agreement with the Navy. Once again, the cooperative agreement should endow FWS with adequate managerial authority to fully apply the compatibility standard to the "overlay" refuge lands. Even then, refuge management should play a consultative role to minimize adverse impacts associated with any such actions. The Wilderness Society would appreciate the opportunity to review and comment upon any proposed cooperative agreements or proposed legislation.

3

Thank you for this opportunity to comment.

Sincerely,

*William C. Reffelt*

William C. Reffelt  
Director  
Wildlife Refuge Program

WCR:hw

2. The FWS agrees that Tern Island is critical to refuge management efforts. (See also the response to the National Audubon Society, #13, page 8.65.)
3. Overlay National Wildlife Refuge status is being actively pursued for Midway Atoll. NWR status would be effected through a cooperative agreement between the FWS and the U.S. Navy. We hope to consummate that agreement before the close of our fiscal year 1985.

# Comment

## WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

154 BRIDGE STREET - ROOM 100  
MOLOKAI, HAWAII 96761  
TELEPHONE 808-241-0400  
FIS 848-2827

November 19, 1988

Dr. Richard C. Munn  
Refuge Manager  
Hawaiian Islands National Wildlife Refuge  
U.S. Fish & Wildlife Service  
P.O. Box 50157  
Honolulu, Hawaii 96850

Dear Dick:

The staff of the Western Pacific Fishery Management Council has reviewed the Draft Master Plan/2025 for the Hawaiian Islands National Wildlife Refuge. However, our meeting schedule did not permit the Council to take up this matter at a regular meeting during the specified review period (August 31 to October 30, 1988).

The Council staff has identified a number of statements in the master plan concerning fisheries which need correction or editing. However, this is discussed in my draft report, and I suggest that our staffs meet to discuss these relatively minor errors. This letter focuses on the larger issues raised in the master plan.

The Council agrees with the intent of the "Preferred Alternative" to accommodate human uses of the refuge while protecting wildlife. However, we believe that the entire master planning process is clouded by the jurisdictional dispute between the State of Hawaii and the Federal government. Particularly at issue is the jurisdiction over Tern Islands, which has a central role in the BIRDS Plans for the Northwestern Hawaiian Islands.

Planning for the future use of Tern Island, as well as for future uses of nearshore and offshore waters, cannot be very productive without resolution of this dispute. We are not advocating that BIRDS personnel be removed from Tern Island. The presence of the aircrews at Tern Island has been of assistance to fishing vessels, and the presence of fishing vessels in the BIRDS has aided the Tern Island personnel by carrying supplies to the island. This mutually beneficial relationship should continue, and we can support BIRDS efforts to maintain the Tern Island station.

The Council understands the need to manage living resources and their habitats as complete ecosystems. Therefore, we can appreciate the need for integrated master planning for emergent lands and adjacent shallow water areas

A COUNCIL AUTHORIZED BY THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1968 P.L. 90-201

# Response

## Response to Western Pacific Regional Fishery Management Council

1. We believe that planning for the protection and use of the important resources of the Refuge cannot await settlement of the dispute concerning the BIRDS boundary. That dispute seems many years and there is no guarantee that it will soon be resolved. In the meantime, we have relied on the master planning process to generate the most appropriate resource management strategies for Tern Island, regardless of the location of the legally defined boundary. Also see response to U.S. Department of the Interior, Minerals Management Service #1, page B-29.

2. The FMS does not consider the HEMR Master Plan to be a "unilateral" effort. Throughout the planning process, the FMS has made a concerted effort to involve outside interests and to ensure that the final products are responsive to public concerns. For public involvement program has been designed to reach the broad spectrum of interests concerned with wise management of HEMR resources. This program has to date included news releases, newsletters, newspaper announcements, radio spots, presentations, for and/or coordination with special interest groups or involved species, the State Clearinghouse review process and two public workshops.

While the FMS does not wish to close off any possible options for interagency cooperative management of the Refuge, we do not see at the present time how joint FMS-State management of the Refuge would result in a significantly stronger resource management program. The marine sanctuary proposal (see responses to comments from the Pacific Seabird Group and Craig S. Harrison, pages B-80 and B-81) should provide a public forum for looking at other possible options.

Dr. Richard Mass  
November 15, 1974  
Page - 2 -

In the Northwestern Hawaiian Islands. However, we do not believe that such a planning effort should be undertaken unilaterally by the USFWS. Clearly, an ongoing management approach in the RMI should be the joint responsibility of the States of Hawaii and the USFWS, just as management of certain fisheries resources is a joint responsibility of the State and the Western Pacific Fishery Management Council. Our partnership with the State has proven very workable, and we believe that cooperative State-USFWS management of the RMI refuge and adjacent shallow waters would be similarly productive. For one thing, lengthy and costly litigation to resolve the jurisdictional issues might be avoided.

The Council believes that existing State and Federal laws enforced under a cooperative State-USFWS management regime would be adequate to protect the wildlife resources of the refuge and adjacent State waters. We are not in favor of the implementation of additional permits implied by status as a "wilderness", a "sanctuary", a "wild heritage site", or other such proposals in the draft master plan. We remain convinced that the entire body of water surrounding the refuge which is bounded by the 20-fathom contour is readily "available" for the survival of the Hawaiian monk seal, and we believe that this would only add an unnecessary layer of regulation.

The preferred alternative in the master plan implies that the USFWS would regulate mariners' vessel traffic. The USFWS does not have this authority. Consideration of public user needs, particularly the State's proposal for a French Frigate Shoals fishery support station in the master plan, is encouraging. However, the general tone of the master plan implies that the presence of commercial fishermen in the RMI is unnatural and is a direct threat to the unique and sensitive wildlife resources and their habitats. There is no basis to blame commercial fishermen for past problems. In fact, the presence of fishermen in the RMI, which dates back to the 1800's, has probably been a positive factor in compensating species in ways more than met. I refer you to a letter (attached) written in 1977 by Bill Hancock, whose fishing operations in the RMI span the period from the 1930's to the present. Louis Agard, Jr., a member of our Council, also has extensive fishing experience in that region, particularly at Tern Island, where he administered a fishing base for several years. Fishermen are as "natural" a part of the RMI as the non-human resources, and they should not be discriminated against in the master plan.

Shortly after the draft master plan was circulated, the Council received a letter from Dr. Allan Steinmetz, the Pacific Islands Administrator for the USFWS. He was interested in obtaining input concerning the proposal for a French Frigate Shoals fishery support station. In the light of increasing concern expressed by fishermen about potential overfishing of spiny lobster and bottomfish. The Council's response to this specific question follows:

The fishery statute proposed provides an important option which may or may not be exercised in the future by the fishing industry. The present

3. The FMS feels that the additional layers of protection offered by these designations warrant careful study as discussed in the Master Plan/VIS. Agencies such as the Western Pacific Regional Fishery Management Council and the general public will be given ample opportunity to comment if and when specific proposals are made with respect to the 20-fathom critical habitat proposal for the monk seal (more recently proposed as 30-fathom) the National Marine Fisheries Service, not FMS, has authority to designate monk seal critical habitat. The FMS, however, does support the Recovery Team's recommendation that waters within the 20 fathom contour be designated critical habitat.

4. The FMS has no authority to regulate vessel traffic beyond the boundary of the RMI. Actions are needed, however, to reduce the risk of groundings. A possible forum for developing such regulations would be an interagency committee with representatives from each of the concerned agencies and the fishing and shipping industries. Only suggestions that receive wide or total acceptance among the groups represented (including the fishing industry) would receive further consideration and study by the committee to determine if they could be effectively implemented and enforced. The committee would provide the fishing and shipping industries an avenue to voice and resolve concerns before any regulations are formally adopted. The important point here is that all concerned parties and interests would be involved at the outset in the formulation of any strategies for registering and monitoring vessel traffic.

5. It is not the intent of FMS to "discriminate" against fishermen in the RMI. The Master Plan/VIS recognizes fishing as a legitimate public use in the islands, and the FMS will accommodate that use provided it can be conducted in a manner which is compatible with the major purposes for which the Refuge was established. Any public use (not just commercial fishing) has the potential to threaten fragile refuge ecosystems. If such public uses are not properly planned, it is with the intent of avoiding and minimizing these potential threats that the FMS has structured protective strategies in the Master Plan/VIS.

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Comment

Dr. Richard Wane  
November 15, 1984  
Page - 3 -

remains in both the spiny lobster and hatterian fisheries is for large boats to make extended trips, without support, in the night. Therefore, existing operations do not require the high level of support which a French Frigate Shoals station could provide. The very size of the boat may be one of the factors which could increase overfishing. If such trips are reduced in the future, large boats may find it uneconomical to operate in the present manner. In such a circumstance, it might be more economically feasible for smaller boats to fish, with support, at French Frigate Shoals. In the manner suggested in the Wane's proposal, I think of the fishery stations as insurance against fishing operations shift from large, self-sufficient boats to smaller boats at some future time.

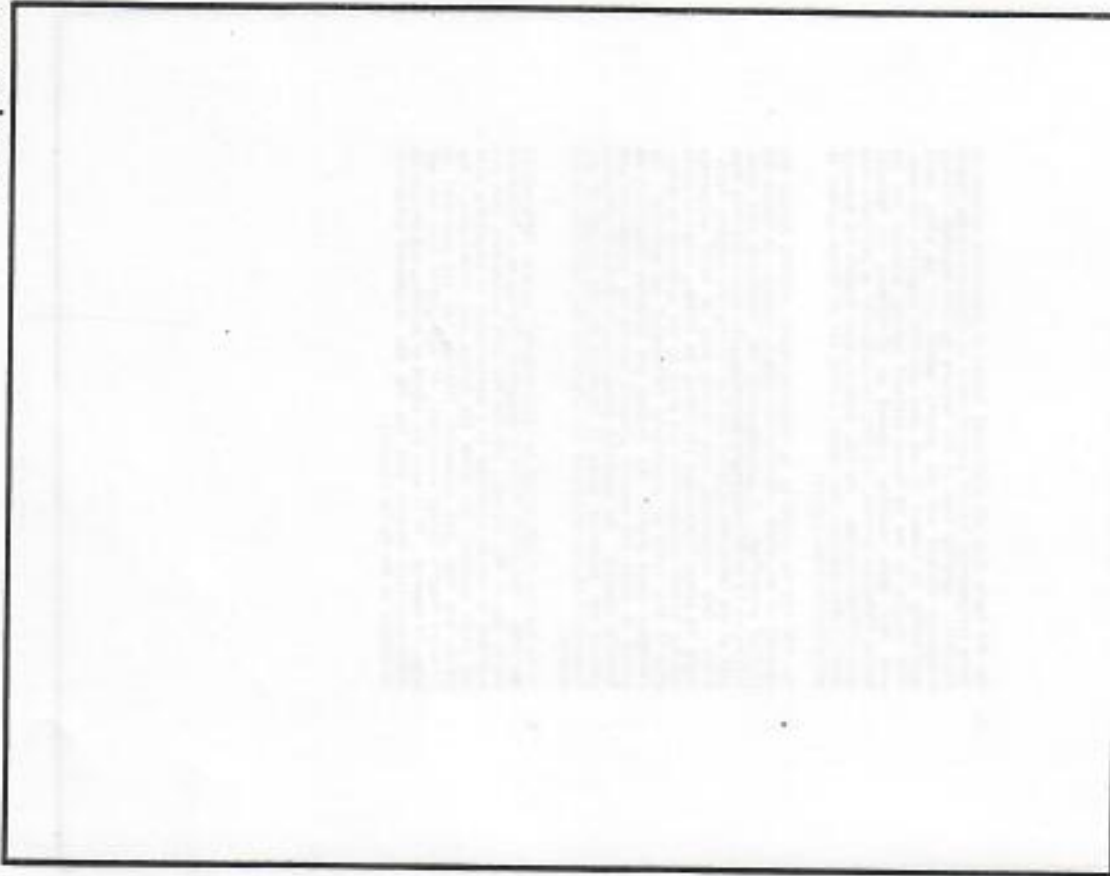
In closing, we wish to restate the NPS's that cooperation between the Tern Island personnel and fishing vessels has been mutually beneficial. There are other areas where cooperation between refuge managers and fishermen could prove fruitful. There is no disagreement about the need for prudent use of the natural resources of the refuge, as well as those in nearshore and offshore waters.

Sincerely,

*Madelyn*  
Madelyn T. Lee  
Chairman

Attachment

Response



BEHOUSS

HEIHEI "BILL" SHIRAKO  
 Owner And Operator of The Taihai Maru  
 2661 Leukolea Place  
 Honolulu, Hawaii 96819

May 9, 1973

Regional Director  
 Bureau of Sport Fisheries and Wildlife  
 P. O. Box 3777  
 Portland, Oregon 97208

Dear Mr. Findlay:

It is imperative that the waters composing the Hawaiian Islands National Wildlife Refuge remain open to fishermen. Commercial fishermen have explored and fished the entire chain since the 1920's. The exploration and the fishing of the leeward chain continues today and in the near future will expand beyond past levels of exploration and fishing.

The following is a partial list of boats that have at one time fished or are still fishing the leeward chain, the approximate date they were fishing the area and what they primarily fished for:

LAKIKAI and ISLANDER - fished around all of the islands and fished for pearl oysters, clus, mullet, waka, abula, lobster from the reef and shoal areas and deep sea species such as waa, shu, ula ula, opakapaka and hapapu'u. The ships were skippered by Captain Bill Anderson and operated in the 1930's.

SILWA - fished the same area as the LAKIKAI and ISLANDER but was actually a mother ship for three or four smaller sampans. The SILWA fished primarily for inshore species such as abula, woi, waka, lobsters, and turtles. It was skippered by Captain Hoepal and was lost at sea with eleven men in the late 1940's.

DAIKOBU MARU - primarily netted inshore species in the shoal waters of the leeward chain. Vessel was lost at sea while returning from a fishing expedition in the 1920's.

RELIANT - skippered by Arthur Eies was operated by the Hawaiian Tuna Packers to net inshore species and capture turtles during the mid 1940's.

KATSUKU MARU - fished for inshore species and turtle as far up as Hano Reef during the 1930's. Shirama fished for deep sea and inshore, shoal inhabiting species. The sampan was lost at sea in the early 1960's and prompted a search by the sampan, BELLAIRII, skippered by Bill Chinamoto. The BELLAIRII searched and explored

## Comment

Re: "Bill" Shinasto--May 9, 1973

the entire chain of leeward islands up to Lisianski Island. Soon returning from this search and exploration voyage the skipper and crew of the HELLAVRII reported that there were extraordinary quantities of fish of considerable commercial value along the entire chain of islands. The skipper and crew of the KONO MARU were never found.

KONO - skippered by Kuni Shinasto fished the entire chain for both shoal inhabiting species and deep sea species up as far as Maro Reef.

SEA HAWK and ODFREY - sisterhips, fished up to Lisianski Island for both shoal inhabiting species and deep sea species. The ODFREY skippered by Bill Shinasto was lost at sea in the 1950's. All hands were rescued off of French Frigate Shoals by the U.S.S. Victor.

ELAINE and BROGERS - The ELAINE, operated by Bill Shinasto, and the BROGERS, owned and operated by Captain Okness, worked as partner ships in the French Frigate Shoals area.

They fished primarily for lobster and inshore species. The ELAINE was stationed at French Frigate Shoals for six months trapping lobster and inshore fish. The ELAINE acted as the catcher-boat and the BROGERS acted as the mother ship, transporting supplies to the ELAINE and the fish back to Honolulu. The lobster were sent back on the TAINI MARU when she returned to Honolulu. The ELAINE fishes primarily with fence traps but discontinued the use of the fence traps when it was discovered that the traps also caught seals very effectively. They then resorted to the standard fish traps (box type with a funnel on one side).

While they were stationed at French Frigate Shoals, the ELAINE explored the lobster fisheries potential and discovered that large amounts of lobster could be taken by luring the lobsters into the lagoon area where they could be caught by hand or trap. The experiments with the lobster fisheries and the fishing ended when the BROGERS was lost at sea. The lobster fisheries proved to be unsuccessful because the price for the lobsters hovered around 40 cents per pound and there were difficulties in transporting the live lobsters back to Honolulu. At present, lobster commands a premium price of two to three dollars per pound and it is economically feasible to fish for them.

The sloop, CONSTANCE C, berthed at Kaula, was purchased with the intention of refitting her for the lobster fisheries at French Frigate Shoals at the urging of the late Vernon Brock. However, French Frigate Shoals was placed off limits before the refitting could begin.

TAINI MARU - At present, the TAINI MARU is the only boat which is fishing the leeward islands regularly. Skippered by Bill Shinasto, she fishes occasionally up to Lisianski Island, but more regularly to Maro Reef. She takes ulua from the shoal waters as well as deep sea species such as ula ula, opakapaka, etc.

Other fishermen have made tentative plans to expand fisheries

## Response



Hawaii "Mill" Shinozaki--May 9, 1973

out to the leeward islands. Two such fishermen are Buzzy Agard and Leo Ohi. Buzzy Agard has fished the leeward islands for inshore fish such as skule, mo'i, waka and is at present a spotter pilot for a Honolulu based skule boat. Leo Ohi is skipper of the MAKAHINI, a Honolulu based skule boat. They catch or assist in catching skule spotted from planes and surrounded by nets. Both men agreed that if inshore fisheries are to expand, the leeward islands are the only areas where such expansion is possible.

Skule is an important fish both to Hawaii's consumers and shi fishermen. Skule is probably the most reasonably priced fish available to Hawaii's consumers and constitute an important commercial species. Hawaii's shi fishermen are fairly dependent on skule for their bait. The high price of the skuri and the scarcity of the Pacific sardine have made it impractical to use these imported species for bait. In the near future, Hawaii's longline fishermen will become dependent upon the skule fishermen for their bait.

Ulua, another commercially important species is available in sufficient quantities around the leeward islands especially around the skul areas of Lisianski Island, French Frigate Shoals, Nevo Reef and Nevo Reef. The fisheries for ulua round these areas were very lucrative at one time and in the near future will again become very important. At present, we are importing large amounts of ulua from foreign countries such as Australia. In the past when caught in large quantities, the price of ulua dropped to 15 cents a pound, making it unprofitable to go after the species. At present, ulua commands a price of approximately 95 cents to one dollar per pound, depending on the size, making it profitable to go after ulua again. In the future, the price of the imported fish will increase to a level where Hawaii's fishermen will be able to compete with the imported fish in Hawaiian markets.

This is important in the sense that it will enable Hawaii to become just a little more self-sufficient and less dependent on the rest of the world for our existence. Perhaps, more than Hawaii trying to become more independent, it is sheer folly to import fish from other countries and place Hawaii's fishing areas off limits to fishermen.

I understand your deep concern for the wildlife in the area, but what you fail to consider is the deep concern we, as fishermen, also have. We depend on these areas for our support--we need these areas and the fishery they provide for our existence. We do not abuse these areas, and never will for anything except necessity.

We have many examples to prove this conservation and ecological-mindedness. Some of these examples are listed below:

SEAKES - We never kill sharks unless they interfere with our

## Comment

Hawaii "Bill" Shimada--May 9, 1973

fishing. Even the sharks we kill for their interference are dried for our consumption, used as bait for fish or brought back to Honolulu where it is given to the Ashi Maru for use as crab bait. There are two reasons why we do not kill sharks except out of necessity. 1) In the future, sharks may again be considered an important source of food. 2) Sharks perform an important function by weeding out the sick and the weak fish. In the past, when we attempted to wipe out the sharks in a given area, we noticed an increase in weak and stumpy fish. This indicated that without the sharks fish would tend to overpopulate the area and exceed their food supply.

**SEALS** - We never hurt the seals in any way. In the past, we have even changed our fishing methods to avoid capturing seals.

**TURTLES** - We voluntarily stopped fishing for turtles. The last turtle we ever took in the French Frigate Shoals area or in any other area was over ten years ago. We stopped taking them when we noticed that their numbers were being reduced. We had hoped that by not taking them for a number of years, they would replenish their numbers and make it economically practical for us to fish for them again.

**BIRDS** - We have never in any way, maliciously hurt the birds nor disturbed them. We take extreme delight in observing their antics and when we have hooked them by accident on our trolling lures, we have always unhooked them and released them as carefully as possible.

**FISH** - We never waste any fish. All the fish we catch are either used by us or brought back to Honolulu for sale. We also never overfish any given area for two reasons: 1) If we overfish an area to a point where the fish cannot replenish their numbers, we, in effect, have lost a fishing ground. 2) When an area has been fished for any length of time, the fish become very and difficult to catch. This makes it economically impractical to fish that area unless there is no other area to fish. If an area is large enough, fishermen will rotate their fishing from area to area and never deplete the fish to dangerous levels.

The species of fish that we take do not appear to constitute a major food source for any of the animals in the wildlife refuge. For example, while I was stationed at French Frigate Shoals with the fishing catching fish and lobsters, I never saw the seals eat anything else but seals. I have also had the opportunity to observe the turtles and have never seen them eat anything else but seaweed. When we used to catch turtles for market, we cleaned them and never found anything except seaweed and remnants of what appeared to be small crabs in their stomachs.

Based on my personal experiences, I feel that fishermen do not compete with the animals for food or any other reason.

By placing the leeward chain as a wilderness area, you will force the fishermen of Hawaii to fish extensively in other areas. This will have many effects on the people of Hawaii. 1) It will deplete the fishery resources to level where the fisheries will

## Response

Comment

Hawai "Bill" Shimamoto--May 9, 1973

never be able to replenish themselves. 2) You will drive the people fishing in the present and the future out of business. 3) Hawaii will be forced to import more fish from the other sources, especially Japan, Taiwan, and Australia. 4) You will make the people of Hawaii more dependent on the outside world.

Please consider these facts before you make your decision.

The commercial fishermen have explored and fished the entire leeward area and plan to expand the existing fisheries there. By placing this area off limits to our fishermen, you will deal a serious blow to Hawaii's economy and squelch our potential for growth.

The purpose of this letter was to show you that the leeward islands have indeed been explored and that the commercial fishermen of Hawaii do realize the potential of the area. It was also intended to attempt an explanation as to why the area has been left almost unexploited for a number of years. Although I would not hope to explain and illustrate everything, I do hope that I have illustrated the need for this area to remain open to fishermen and that fishermen, perhaps more than any other people are conservation and ecologically minded.

Thank you for your time and consideration.

Sincerely yours,

*Bill Shimamoto*

Bill Shimamoto  
Owner and operator of the  
TATSUJI MARU

Response





# Comment

## Pacific Seabird Group



### MEMORANDUM TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

1647 Michael Lane  
Pacific Palisades, CA 90272  
26 October 1984

Regional Director, Region One  
U.S. Fish & Wildlife Service  
900 N.E. Multnomah Street  
Portland, Oregon 97232

Dear Sir:

The following are comments to the Draft Environmental Impact Statement for the Master Plan of the Hawaiian Islands National Wildlife Refuges, prepared by our members most familiar with the region. We appreciate this opportunity to comment on these important issues.

We endorse the general approach of the DEIS with respect to the objectives in the management of marine birds and other resources. To improve management and efficiency, however, some approaches should be modified and should be discussed in the final EIS.

1. Although the DEIS states that this plan should guide management of these resources for as long as twenty years, most of the plan deals on immediate problems, such as fishing, to the exclusion of other problems that ultimately may be more important. ~~Very important~~ ~~problems~~ ~~mentioned very briefly on 4.28), nuclear waste disposal (proposed recently for Hilo), or other developments that might affect the refuge even though PNG does not control such actions~~

2. The refuge does not seem to provide a management framework to manage and protect some of its resources. Fishing outside the refuge (6.5) and degree mining may affect marine birds. The Director of PNG or the Secretary of the Interior should formally nominate the Northwestern Hawaiian Islands to be a marine sanctuary. We agree with the DEIS that this concept requires extensive consideration (6.18), but because the lead agency, NOAA, requires a five-year review process, it seems inappropriate to wait an PNG internal review before PNG begins its deliberations (which would have PNG impact).

3. Research and management of the MMI seems to be expensive. The final EIS should consider the use of a private non-profit organization to conduct research in the MMI and possibly to manage facilities such as Tern Island. Such an arrangement has been very successful on the Farallon Islands refuge in California.

# Response

### Response to Pacific Seabird Group

1. The section on deep sea mining has been expanded. The FWS is aware of and has had input to the EIS currently being prepared for the proposed mining of manganese crusts. We feel it is premature to address other potential developments for which there are no specific plans at present.

2. We agree that the marine sanctuary concept has considerable merit in terms of providing a possible "cooperative agency" management framework for the Northwestern Hawaiian Islands. At present, however, the State of Hawaii, the Western Pacific Regional Fishery Management Council and others are opposed to the concept. This does not necessarily mean the concept is unworkable. Rather, it implies there are a number of major problems for the cooperating parties to resolve before a sanctuary could ever be implemented. We do not feel that the Master Plan/EIS is the appropriate vehicle for resolving these problems. We are confident, however, that over time, the Preferred Alternative in the Master Plan/EIS will prove itself to be a viable option for the wise management of the Refuge and will also provide a more objective basis for evaluating the need for a sanctuary in the MMI.

3. Regarding the management of Tern Island by private non-profit corporation, see response to Craig S. Harrison, R, page 6.106.

Regional Director, Region One  
page 2

3. using government funds and positions. More important, it enhances opportunities for long-term research and allows agencies such as NSF to be involved in funding studies NSF is not allowed to fund NSF scientists. Should that approach be adopted, NSF would be pleased to lend the expertise of its members to the forefront of such an organization.

4. The final EIS should provide a systematic process for the decisions (2-3) with respect to research on the refuge. The DEIS is too vague. Clear guidelines should be provided that ensure such decisions do not change with differing attitudes of each new refuge manager. This has been a problem in the past, especially with respect to collecting birds. In addition, clear policies must be promulgated with regard to space on research vessels. Special Use Permits to do research in the refuge, for example, should not be bartered for allocations of berths on research vessels for Federal employees. If this is the policy of FWS, however, it should be clearly stated.

5. Any policies using Special Use Permits to restrict access to the nest should be modified for Midway Islands, if or when they become part of the refuge. Midway bird populations have survived almost fifty years of the U.S. Navy and are unlikely to be adversely affected by visiting tourists or researchers.

6. FWS should establish a consent regime for Special Use Permits for research. A written request for a SUP for research should be deemed to be granted if FWS does not make a written reply within thirty days. Individual researchers have been frustrated in the past because of extensive delays in processing routine research permits.

Again, thank you for this opportunity to review this DEIS.

Sincerely,

Judith Letts Reed  
Chair, Pacific Seabird Group

cc: Barriean  
Vernace  
Anderson

4. Although the Master Plan/EIS does not provide operational details concerning specific research activities, it does provide (see studies) a clear indication of FWS policy regarding the priority which research has in the overall management of the refuge. Additional details concerning research will be provided at a future date as we develop our operational and management plans (See Section II.E.). The FWS does not barter Special Use Permits for berths on research vessels but does reserve the right to accompany researchers on the refuge to ensure compliance with the conditions of the permit and to ensure the compatibility of the research with refuge objectives.

5. Correct. If Midway becomes an overlay National Wildlife Refuge, it will be managed separately from the NWR. Policies guiding the issuance of Special Use Permits will differ from those for the NWR and will be tailored specifically to meet the management needs of both the U.S. Navy and wildlife resources.

6. Written requests for Special Use Permits are currently processed well within the suggested 30 day period. We realize that delays are frustrating and will make every effort to continue to act in the requests in timely fashion.

11/15/80

11/15/80

# Comment

U.S. Department  
of Transportation  
United States  
Coast Guard



Commander (Op1)  
Fourteenth Coast Guard District

Area Information  
Federal Building  
200 Ala. Ave., Room 5020  
Mobile, Ala. 36604  
Phone: (800) 546-2861

11998  
Serial No. 5/812  
23 October 1984

Mr. Dick Nease  
Refuge Manager  
Hawaiian and Pacific Islands  
National Wildlife Refuge  
388 Ala Moana Blvd  
PO Box 58167  
Honolulu, Hawaii 96858

Dear Mr. Nease:

The Coast Guard has reviewed your draft RIZ/Master Plan for the Hawaiian Islands National Wildlife Refuge and has the following comments to offer.

1. a. As you have noted Coast Guard facilities on Kure Island are very limited. In as much as we have no support capability, any plan which provisions use of Kure Island by the general population should be discouraged.
2. b. All three alternatives (RZA), (RUA) AND (PA) address regulating and monitoring near shore vessel traffic as a means to protect HAWAII. Implementation of any of these strategies would require legislative action by Congress to extend present authorities or create new ones. It is recommended that further investigation be made into these strategies prior to the development of the final RIZ.
3. c. The cost to rebuild the facilities on Tern Island PFS in 1972 was \$1,215,000 not \$289,000 as noted on page 6.41.

*J. F. McLaughlin*  
J. F. McLAUGHLIN  
Commander, U. S. Coast Guard  
District Planning Officer  
in Attendance of Commander  
Fourteenth Coast Guard District

Copy: COMR (G-4P/4)

# Response

## Response to U.S. Coast Guard

1. Given the limited facilities available on Kure to accommodate public recreational demands, the PWS has dropped the strategies to facilitate photography, journalism and art visits to Kure.
2. The PWS recognizes it has no authority to regulate vessel traffic outside the Refuge boundary. We also recognize, however, that regulations and some means of enforcing those regulations are needed to reduce the risk of accidental groundings. It is the latter need which prompted us to look at the measures discussed under the RPA, RUA and PA. We continue to believe that an inter-agency committee, composed of representatives from the concerned agencies and the fishing/shipping industries, would provide a viable forum for developing reasonable regulatory and monitoring measures without the need to request any special authorities from Congress.
3. The higher cost figure has been incorporated into the Master Plan/EIS.





United States Department of the Interior

NATIONAL PARK SERVICE  
 PACIFIC AREA OFFICE  
 300 Ala Moana Blvd., Box 51945  
 Room 4300  
 Honolulu, Hawaii 96850

DVM (7948)

October 12, 1964

Mr. Al Macmillan  
 Pacific Islands Administrator  
 Fish and Wildlife Service  
 200 Ala Moana Boulevard, Room 5202  
 P. O. Box 50167  
 Honolulu, Hawaii 96850

Dear Al:

Thanks for the chance to review the Hawaii Islands National Wildlife Refuge Master Plan.

I have only a brief glimpse--that is, we feel the plan should show as "preferred alternative" that this Refuge will be nominated as a world heritage/Biosphere Reserve site. The Hawaii Island Refuge fully qualifies in several important criteria:

1. It is one of the earliest wildlife reservations established, way back by "royal" decree. It is an integral part of a significant conservation ethic at its origin.
2. It has been very successful, probably saving several wide ranging species and a few of local subspecies from extinction. The management philosophy and techniques you have developed there have wide application to pelagic bird breeding grounds elsewhere.
3. It is the best, most extensive example of its ecosystem in the world, and this type of system is poorly represented in the existing Biosphere Reserves.
4. Using such an excellent refuge as a type specimen gives world wide credence to the Biosphere Reserve/World Heritage program, and serves as an outstanding example for others to follow in the many cases where smaller island ecosystems are in jeopardy.

Obviously, I concur with the plan. Your crew has done a fine and thorough job preparing it. I personally get a great deal of repeated pleasure in watching some of the seabirds that probably were born and raised on your fine refuge.

Sincerely yours,

*Rayas Henry*  
 Rayas Henry  
 Director, Pacific Area

Response to National Park Service, Pacific Area Office

1. We agree that the criteria cited would fully support nomination of the HIIREF to the Biosphere Reserve/World Heritage Program. However, before nominating the Refuge, we would want to make sure that the new designation would in no way restrict management activities that are essential to the achievement of our Refuge objectives. Additionally, the ongoing boundary dispute with the State makes it unclear what the designation would geographically encompass. This strategy, therefore, calls for further study before pursuing nomination. (094 Strategy #5 has been recorded to reflect the need to first study the implications of this strategy before moving toward implementation.)

Comment



University of Hawaii at Manoa

Environmental Center  
Campus RT - 800 Campus Road  
Honolulu, Hawaii 96822  
Telephone (808) 955-7781

November 26, 1984  
R214408

Refuge Manager  
Hawaii and Pacific Islands  
Wildlife Refuge  
260 Ala Moana Boulevard #5102  
P.O. Box 50187  
Honolulu, Hawaii 96859

Dear Sir:

Draft Master Plan/Environmental Impact Statement  
National Wildlife Refuge  
Northwestern Hawaiian Islands Archipelago

The Environmental Center has conducted a review of the above cited document with the assistance of Sheila Coats, General Scientist, Robert Schroeder, Hawaii Cooperative Fishery Research Unit/Geology, Jacquelin Miller and Julius Masner, Environmental Center.

The proposed management plan appears to be comprehensive and the DISE is generally well written. However, we have two general areas of concern that should be addressed in the Final EIS.

1. As stated in the Master Plan/DISE (p. 6-4), basic activities and mandates going back to 1969 when the refuge was established by Theodore Roosevelt establish a clear resource conservation responsibility for the U.S. Fish and Wildlife Service (USFWS) with regard to the Hawaiian Islands National Wildlife Refuge. However, the USFWS agency's "vision statement" is to "provide the federal leadership to conserve, protect and enhance fish and wildlife and their habitats for the continuing benefit of people". According to the NP/0125 "benefit to people" has been interpreted as the responsibility to provide certain human "uses" of the refuge resources. Hence, much of the content of the draft Master Plan involves the various methods and proposed ways in which the resources of the refuge can be made more readily available to human use, be it by tourists, photographers, or even commercial fisheries.

AN EQUAL OPPORTUNITY EMPLOYER

Response

[Empty response box]

Because the emphasis in the Master Plan/EIS is so heavily placed on this "use" concept, we consider it essential that the procedures, methods, and analysis techniques that will be required to assure that comprehensive monitoring of the human activities, that are to be permitted or encouraged in the refuge, be fully documented. Certainly the primary goal, as established by executive order and Congress, must be protection and preservation of the fragile ecological environment of the refuge. The proposed human "use" activities have the potential for the greatest environmental impact. Precise monitoring and documentation of human "use" is essential to adequately meet the USFWS's protection responsibilities.

The topic of fishery support facilities deserves a special focus in the Final EIS. This would include the rationale for choosing Tern Island, further discussion and expansion of the Midway Island alternative, as well as the appropriate feasibility studies or cost-benefit analysis concerning fisheries development.

Other specific topics identified by our reviewers that should be addressed in the Final EIS include:

1. The serious reef-fish oligomers problem at Midway and its implications (if any) with respect to the proposed management plan.
2. We note that on page 6.13 and 7.24, the words in the "Comparison of Environmental Consequences" use the vague "Positive Consequence" to "Very Positive Consequence". This terminology is not standard and its use may invite arguments concerning the value judgments it implies.
3. On page 3.2, we noticed that there was an omission of a DFH item in Figure 3 "Hawaiian Monk Seal Output List". Is this a typing error?
4. We understand the necessity of the Technical Appendices. However, since they are under separate cover summaries of their results or conclusions should be provided in the Final EIS in order for it to be considered a self-contained instrument.

We might add for your further background information that observations by one of our reviewers indicate that tiger sharks are common at Midway Island during the summer months of June and July, coinciding with the Laysan albatross fledging peak. These sharks although still present, are sighted much less often in August and the rest of the year. Gray reef sharks, in contrast, are common in all calendar months with no noticeable peaks in abundance.

1. We concur that monitoring of human activities will be a critical element in our Refuge management program. The FWS has made a substantial effort toward the development of baseline resource data and various monitoring methods. However, at this time we have not yet developed the specific procedures and techniques for monitoring activities such as expanded commercial fishing, possible increased interpretive and educational uses on Tern Island or even ocean diving off the Island. As the plans for these activities are refined up, the FWS will develop monitoring procedures tailored to be responsive to the anticipated impacts which each activity would generate. Monitoring would be conducted on at least two fronts - the human activities and the species likely to be impacted. We anticipate that all such activities and the specifics of FWS monitoring procedures would be open to public review through the NEPA process.
2. The discussion of the State's proposal to establish a fishery support base at French Frigate Shoals in Section IV.F.4, has been expanded to include the rationale for choosing French Frigate Shoals. The State's proposal for a fishery support base at Midway is adequately addressed in Section IV.F.10. Further details regarding feasibility studies and cost-benefit analyses may be obtained from the proposals themselves.
3. FWS recognizes the reef fish oligomers problem at Midway, but feels there will be no major implications with respect to implementation of an over-lay Refuge. The major areas of concern will be for the welfare of the seal population and seabirds that utilize the island. We will provide, or facilitate obtaining, technical advice on reef fish and associated problems as requested.
4. The consequences comparison chart has been deleted from the final document to reduce confusion resulting from the inherent tendency to "evergeneralize" from charts of this type.
5. The omission has been corrected.
6. The Technical Appendices provide backup support for the management strategies contained in the PA. In addition, they provide more detailed information on the resource base of the Refuge. The appendices were bound separately so that the reviewing public would not be distracted by the mass of technical material on which the Master Plan/EIS is based. We therefore view the Master Plan/EIS as a self-contained document which can stand on its own without the appendices.
7. FWS biologists have also noted the relationship between albatross fledging and the June-July peaks in the numbers of tiger sharks found around Midway Island. Shark control has been discussed in the planning process. It is a potential strategy to employ in future research/monitoring efforts that sharks constitute a significant mortality factor on such species as the endangered monk seal or threatened green sea turtle.



Response

[Faint, illegible text in the Response section]

Comment

Russell and Pauline March  
Wildlife Refuge

-3-

November 16, 1988

We appreciate the opportunity to review this document and we hope our comments are useful in preparation of the Final EIS.

Yours truly,

*Pauline March*  
Pauline March  
Director

- cc: ORQC
- Shelia Cozart
- Robert Schrader
- Jacqueline Miller
- Allays Messer
- Patricia Johnson

[Faint, illegible text in the Comment section]

Warehouse

Comments

27 October 1984

Refuge Manager  
 Hawaiian Islands NWR  
 P.O. Box 50157  
 Honolulu, HI 96850

Dear Refuge Manager (aka Jerry, Dick, Steve, Darcy, Bob and Mark):

I am finally committing my comments on the NMN's Master Plan to paper. Overall, I felt you did a thorough and fair job, maintaining a clear FWS commitment to protecting the resource. I want to compliment you especially on your clear summary presentation, so often planning documents are frustratingly obscure.

Of the official alternatives, I favor FWS' "Preferred Alternative" with two exceptions. First, I think the impacts of the fishery on listed species should be monitored under all alternatives (BA), not just the MA; perhaps I misunderstood your intent. Second, I question the wisdom of providing fishery storage facilities on Tern Island. The plan did not explain the value of such facilities, and I anticipate many inevitable hassles associated with assisting fishermen with onloading and offloading gear at Tern, plus the possibility of gear theft or disappearance. Plainly, it will cost the FWS substantial personnel time. The choice is yours, but I feel very strongly that FWS SHOULD NOT STUPEFIFY THE FISHING INDUSTRY. Any services provided should be repaid AT LEAST in shared support of the station or reciprocal services of equal or greater value.

Since the "Preferred Alternative" is the most expensive, I also wish to submit an economic contingency vote for the "Resource Preservation Alternative. If budgets are limited, management activities should be guided by these strategies, except where they are more expensive (e.g. annual vs biannual aerial photo survey).

Now that you can tally my votes on your tick list, I also had a number of specific comments that came to me as I read the Draft Plan/EIS, which I'd like to share. Hope they are useful.

**VULNERABLE SPECIES:**

- Monitoring and regulating nearshore vessel traffic and illegal landings is essential to NMN wildlife protection, since accidental introductions and disturbances are the greatest threats to these ecosystems. It should be high priority in allocating funds.

- I like your fisherman education plan (id, p 6.21) and suggest including photos, movies and/or interviews on the recent groundings to dramatize the reality of the lesson.

- I can't comment on "lower priority research without knowing what it is. I think this request is a weakness in the Plan.

- I personally do not support transplantation of endemic species for

Response to Jerry Hansen

1. The strategy to monitor the impacts of commercial fishing on listed species is included in the Baseline Alternative under MA 817, nearshore human activities and their effects on island islands and in nearshore waters. The recovery plans for listed species specify (or will specify when they are prepared) that human impacts, both short and long-term, be continually monitored and assessed to ensure that listed species are not further jeopardized.
2. The strategy to provide recreational opportunity, storage space and aircraft use at Tern Island is support of a multi-species fishery has been rewritten to address some of the concerns raised.
3. While the FWS considers monitoring and regulating near-shore vessel traffic a high priority, presently we have only a conceptual understanding of how to implement this strategy. Our current thinking is outlined in more detail in the response to the Western Pacific Regional Fishery Management Council, #4, page 8.73.
4. Thanks for the good suggestion. We've added it to the text and intend to include it in the implementation of educational programs on grounding hazards.
5. Lower priority research refers to the lower priority items listed in necessary plans that either have been, are being, or will be prepared for the six listed species. Examples for the monk seal are listed in Section 8.0.2.
6. A project with the objective of transplanting albatrands to Laysan Island will be undertaken only after thorough taxonomic study and evaluation of habitat requirements as discussed in the Master Plan/EIS. The potential impact of albatrands on endemic invertebrates at Laysan will also be considered. If a decision is made to proceed with the transplant, the ecological impact will be closely monitored.

## Comment

population protection. However, it will inevitably be suggested again and again. Therefore, I suggest that you only consider permitting introduction of the seabird to Laysan IF AND ONLY IF it is done as part of a carefully planned, rigorous research project to document and study the effects of the introduction on the island's vegetation, resident fauna, and the seabirds themselves. It should not be done for aesthetic or purely faunal reasons. Since you are creating a new, isolated population (and sacrificing unknown natural invertebrate populations) -- not really protecting the natural population on Nihoa. The manipulation might be justified if we could learn something about ecological and evolutionary processes at the same time. Such opportunities are rare. I am not saying you should introduce birds, but if you decide to treat these islands as experimental stations rather than functioning natural systems, we should reap the full benefits from each manipulation.

**ENVIRONMENT:** I just want to add my strong support for Midway overlay status with a RESIDENT SPURGE MANAGER stationed on Midway. It's a wonderful example of constructive inter-agency cooperation.

**OTHER FISH & WILDLIFE:** I am not clear on the differences between "monitor seabird/other migratory bird populations" (BKI) and "activities" (PA & RMA), especially since "monitor human activities and effects" are in the 2K in the next section. However, I agree that monitoring the wildlife resources is the keystone to good, rational management decisions.

#### SCIENTIFIC & PROFESSIONAL SERVICES:

- Biannual photo surveys are probably sufficient unless there has been a major weather event, e.g. hurricane or drought.

- Nihoa is biologically the richest, most diverse island and deserves the strictest protection. Field camps should be severely restricted.

- Identification of invertebrate fauna and election of rare or threatened/endangered status should be a very high priority. Just because we haven't studied them doesn't mean they are not important.

- I was very pleased to see the plan's concern for research impacts. Population estimation and vegetation surveying are probably the most disruptive, aerial photography and ground study sample collection can minimize these impacts without sacrificing information.

#### EDUCATION/INTERPRETATION:

Your work at Laysan Pt. and your publication/public presentation record are admirable. I concur with the PA and strongly oppose educational activities on any of the uninhabited islands. I believe Midway and Tern (and possibly Suez) can meet all such needs. I'd like to publicly remind you of planning paper prepared in October 1987, "Evaluation of Public Education Program Options for the NHI".

## Response

7. The "Other Fish and Wildlife" strategy to "monitor seabird and other migratory bird populations" in the baseline Alternative does, in fact, overlap in large measure the strategy to "monitor the effects of commercial fishing and other human activities" under the Resource Utilization Alternative. However, the latter is more inclusive and would go beyond monitoring seabirds (although seabirds would be the primary focus). For example, endemic populations of plants or animals (not presently listed as threatened or endangered) could be monitored under this strategy. Also, as mentioned in the text, the NIS (or other researchers) could monitor possible changes in reef or marine ecosystems as a result of commercial fishing.

8. The NIS Hawaiian and Pacific Islands Complex Office is seeking authorization and funding for a position in 1985 that would include environmental education responsibilities. The idea of a visitor's center on Oahu to expose the public to the resources of the NHI was considered in the master planning process. We also considered interpretive exhibits at the Honolulu International Airport or the Bishop Museum, two locations which would guarantee maximum public exposure. However, because these exhibits would necessarily be limited to graphic/visual presentations, they were dropped in favor of strategies to expand the Nihoa Point Interpretive Center, where visitors have an opportunity to actually see many of the wildlife resources of the NHI. Nevertheless, we do not intend to close off the future option of some type of interpretive exhibit on Oahu.



## Comment

Five alternatives were considered to guide action in the next five years. I concluded that the most promising five-year plan was to hire a dynamic environmental education professional to design and publicize a wide variety of educational materials on NMHI natural history and resource issues (Staffed E & M). If more time is available, then a visitor's center on Oahu might be more effective (better than nature-tours to Midway or Tern - see Fig. 2 from report). I hope the FWS will at least examine the feasibility of such a center, possibly associated with Manana Is. and supported jointly with Hawaii's Dept. of Land and Natural Resources. It would be a lasting contribution to Hawaii's understanding of its natural heritage.

### OTHER PUBLIC ISSUES:

- Emergency logistical support for fishing vessels is completely appropriate for the refuge.
- Can't support the RUA buoy within boundaries due to increased risk of grounding by unfamiliar and unregulated vessel traffic.
- Mothertship - I have no objection to the mothertship itself. However, with the additional ship traffic, you will have to increase Coast Guard patrols and wildlife monitoring to be sure people are not visiting the islands illegally and to be sure the wildlife is not be adversely affected by the fishing.
- Also, see discussion of storage above.

MISC: The Hawaii Botanical Society (HOTSOC) recently voted to refer to non-native plants in Hawaii as "alien" species, rather than "exotic" species. Personally, I welcome the change, since I am often faced with having to explain why something "exotic" is not desirable. In contrast, "alien" is interpreted as unknown and possibly undesirable. Please consider changing your terminology in future documents.

In summary, I applaud the plan's commitment to wildlife monitoring, prevention of accidental introduction of alien species, and active public education. I believe the best and highest use for the NMHI is as unaltered naturally functioning ecosystems. Access should be strictly limited and nearby traffic should be regulated to minimize unfortunate accidents. Within these restrictions, both research and commercial fishing can be pursued. If I can be of any assistance in the future, please let me know.

Sincerely

*Audrey*

Audrey McMan  
12508 Koko Road  
Honolulu, HI 96816

## Response

9. A mothertship operation will likely result in an increased presence by both the FWS and U.S. Coast Guard to ensure minimal impacts on wildlife. FWS would pursue these strategies as outlined under MIA #5 (also part of PA).

# Comment

MARINE MAMMAL COMMISSION  
405 EYE STREET, N.W.  
WASHINGTON, DC 20001

9 November 1984

Dr. Richard Maas  
Refuge Manager  
Hawaiian and Pacific Islands  
National Wildlife Refuge  
300 Ala Moana Boulevard, Rm. 5302  
P.O. Box 50167  
Honolulu, Hawaii 96850

Dear Dr. Maas:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the "Hawaiian Islands National Wildlife Refuge Master Plan/Environmental Impact Statement" prepared by Region One of the U.S. Fish and Wildlife Service and offers the following comments and recommendations.

### GENERAL COMMENTS

The Master Plan/Environmental Impact Statement (MP/EIS) provides a general description and assessment of a proposed master plan and four possible alternatives for managing the Hawaiian Islands National Wildlife Refuge. From the information provided, it seems that the proposed action, from the incorporation preferred alternative. However, the nature, scope, and possible consequences of some aspects of the alternatives, including the proposed action, are not described in sufficient detail to be certain. As an example, the nature, scope, and possible consequences of the proposal to continue and expand support of fishery development in the Northwest Hawaiian Islands (NWHI) are not described in sufficient detail to determine precisely what is being proposed or whether the proposal is compatible with other higher priority refuge uses.

In addition, it is questionable whether each of the alternatives have been structured so as to exclude any significant negative consequences as is stated on page 0.13 of the draft MP/EIS. It also is not clear whether and, if so, what action has been taken pursuant to Section 7 of the Endangered Species Act to ensure that certain activities proposed in the Plan (e.g., support for commercial fishing operations, nature tours, etc.) will not jeopardize listed species such as the Hawaiian monk seal.

# Response

### Response to Marine Mammal Commission

1. We concur with your comment concerning the example cited and have rewritten this strategy to clarify the FWS' position concerning support of the commercial fishing industry and to justify our actions regarding a mooring buoy outside the Refuge boundary. Regarding the general lack of detail/specificity in the Master Plan/EIS, please refer to the response to the Marine Mammal Commission Society, #1, page 8.44.
2. The chart has been deleted from the final document to reduce confusion resulting from the inherent tendency to "overstate" from charts of this type. Before the Master Plan/EIS is finalized, the National Marine Fisheries Service will be asked to revise the document with regard to Section 7 of the Endangered Species Act, particularly to ensure that our proposed actions will not jeopardize the Hawaiian monk seal.

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SPECIFIC COMMENTS

Page 3.15 (Marine Community-Monk Seals and Sea Turtles): The last sentence in the second paragraph of this section indicates a number of possible causes for the decline of Hawaiian monk seals. It does not, but should, indicate that entanglement in lost and discarded fishing gear and other debris may have caused or contributed to the decline.

Page 4.17 (Other State Proposals ...): The second paragraph in this section indicates that a biological opinion, issued by the National Marine Fisheries Service in 1981, concluded that a fishery support facility on Tern Island would jeopardize the monk seal and green sea turtle, and proposed the alternative of a motherhip operation. The biological opinion recommended that, as a reasonable and prudent alternative, the feasibility of a motherhip operation be explored. It did not propose the alternative of a motherhip operation.

Page 4.18, par. 2: This paragraph indicates that a State proposal to moor a motherhip within French Frigate Shoals and to use Tern Island for short-term recreation, emergency evacuations and temporary storage of fishing gear, would require thorough assessment concerning compatibility with refuge objectives. From the information provided, it is not clear whether the State has actually proposed mooring a motherhip within French Frigate Shoals or, alternatively, has finalized a proposal which may or may not be submitted to the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) for consideration.

Such an action could impact monk seals and other endangered species and it should be noted that, in addition to ensuring compatibility with refuge objectives, assessment pursuant to Section 7 of the Endangered Species Act would be required to insure consistency with the intent and provisions of the Endangered Species Act. Also, it should be noted that a permit from the Coast Guard would probably be required and, if so, that Section 7 review would be necessary in order to install a mooring buoy either inside or outside the refuge boundary at French Frigate Shoals.

Pages 3.4 - 3.5 (Other Compatible Public and Economic Uses): This section indicates that the Service has determined that support of commercial fishing, recreational fishing, and other recreational activities is compatible with refuge purposes. From the information provided here and elsewhere in the MP/118 and its Technical Appendixes, it is not clear that such uses are compatible with refuge purposes. A clearer indication of the basis of this determination should be provided.

3

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3. We concur with each of the specific comments made and have modified the Master Plan/118 appropriately, with the exception of items 4-12 below.

4. The issue of compatibility has been addressed for each outlet in the "Conflict" section of the Report Summaries which are included in the Technical Appendix. Additionally, strategies associated with the FWS support of the commercial fishing industry have been clarified.



## Comment

## Response

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Page 5.7 (Vulnerable Species): As drafted, the objective concerning monk seal production and maintenance can be interpreted to mean that the Service would prohibit any increase in monk seal populations at French Frigate Shoals, Necker and Nihoa. If this is not the intent, such an interpretation could be avoided by inserting the words "at or above present levels" after the word "Nihoa". If it is the intent, the reason should be explained.

For similar reasons, the words "at least" should be inserted between the word "to" and the word "midcentury" in the second sentence describing the objectives.

Page 5.9 (Item 14): This item is somewhat ambiguous. It might better be phrased as follows:

"(14) Research Studies: Conduct and facilitate studies to gather data necessary to assess and monitor the status of refuge resources and the effectiveness of conservation programs."

Page 5.9 (Education/Interpretation): These and other objectives are appropriate only when and if they are consistent with higher priority conservation objectives, including the original purpose of the refuge to serve as "a preserve and breeding ground for native birds." To emphasize this point, it might be desirable and appropriate to make these objectives conditional. For example, objective 15 might usefully be revised to read something like:

"(15) Environmental Education (EE): Encourage off-site EE activities at more accessible locations, where compatible with primary conservation objectives. Facilitate, where possible, limited on-site EE experience for both teachers and students."

Page 5.9 (Other Public Uses): This section states that support for commercial fishing outside the refuge boundary has been "evaluated as compatible with refuge purposes". As noted previously, the rationale for this statement is not self-evident and should be provided.

Pages 6.20 to 6.22 (Regulate and monitor nearshore vessel traffic): This section proposes the establishment of a "working interagency committee" to consider and implement measures for reducing the risk of and enhancing the ability to respond to vessel groundings. It does not indicate how this committee would be constituted, how it would operate, what authority it would have, or what it would or could do.

5. Comment acknowledged. As referenced on page 6.20 the working interagency committee is a conceptual proposal at this time which we feel is appropriate for the conceptual format of the Master Plan/EIS. Operational details such as committee constitution and authority have not been fully developed as a part of the Master Plan/EIS. Matters of this type will be addressed through an operational level of planning which will follow approval of the Master Plan/EIS. Also, see response to Western Pacific Regional Fishery management council, #4, page 8.33.

to facilitate consideration and implementation of the proposed measures listed on pages 6.20 and 6.21. Such information is necessary to judge what reasonably might be accomplished by the committee and to adequately evaluate the proposed action. Therefore, a more detailed discussion and evaluation of this action item should be provided in the final NP/EIS.

Page 6.20 (item 19). Although it seems reasonable, as implied here, to assume that there would be less possibility of adverse effects from installation of a mooring buoy outside, rather than inside, the refuge boundary at French Frigate Shoals, the risk of adverse impacts may well be significant in either case. Installation of a mooring buoy, either inside or outside the refuge boundary, presumably would result in increased vessel traffic and fishing effort in the vicinity of French Frigate Shoals which, in turn, would result in increased risk of groundings, collisions, oil spills, loss or dumping of net fragments and other debris, disturbance, etc. Such things could adversely impact monk seals or other endangered species, or result in the destruction or degradation of habitat critical to their survival.

In recognition of this potential for adverse impacts on endangered and threatened species, it is necessary for the Fish and Wildlife Service to undertake review of this proposal pursuant to Section 7 of the Endangered Species Act and to document the results of that review in the final NP/EIS. It is clear that review is required for these activities such as providing support services to commercial fishing operations which would be authorized under the master plan to occur within the boundaries of the Refuge.

In addition, because authorization for the placement of the moorings mooring buoy would probably be required from the United States Coast Guard, it should also be indicated that Section 7 review would be required for that Federal approval process. In this regard, the Commission recommends that the Fish and Wildlife Service contact the Coast Guard to determine if a permit would be required for the buoy. If so, the Service and the Coast Guard should discuss the steps that would have to be taken to provide Section 7 review for that permit approval process. In addition, if a permit is required the NP/EIS should be revised to indicate that fact and to discuss the Section 7 review procedures that will be incorporated into the Coast Guard's permit issuance decision making process. Similar efforts should be made to determine if a Corps of Engineers authorization such as a permit under Section 10 of the Rivers and Harbors Act of 1899, is required for mooring buoy installation.

6. This strategy has been rewritten to clarify/justify the 195' position.
7. FMS Section 7 review was initiated upon completion of the Draft Master Plan/EIS. The findings of this review have indicated that adoption of the Preferred Alternative will promote conservative of listed species.
8. Comment acknowledged. Reference as to the need for appropriate Section 7 reviews and various permits has been noted. FMS assumes the lead role in initiating Section 7 review of Preferred Alternative strategies on endangered species. Furthermore, it is recognized that the U.S. Coast Guard would initiate Section 7 review of the placement of a mooring buoy and the Corps of Engineers of the same with regard to Section 10 of the Rivers and Harbors Act. Additional procedural details have not been included due to the conceptual nature of the Master Plan/EIS.

The importance of undertaking Section 7 review for these activities is illustrated by the 1981 biological opinion rendered by the National Marine Fisheries Service, which concluded that commercial fishing operations within the boundaries of the Refuge would jeopardize the continued existence of the Hawaiian monk seal.

Page 6.36 (Item 2). This item indicates that the Preferred Alternative would include a Gona Resource Protection Alternative No. 2, consist of lower priority research and management actions, in recovery plans. From the information provided, it is not clear precisely what research and management actions will not be implemented under the various management options. Also, it is not clear how the proposed plan considers and reflects actions recommended in the Hawaiian Monk Seal Recovery Plan and recovery plans, if any, for other endangered and threatened species which occur in the Refuge. In this regard, it is not clear whether efforts needed to effectively implement recovery plans were determined and used to develop the identified alternatives, including the preferred alternative, or whether the alternatives, as described, reflect an assumption that recovery plans should and would be implemented differently under different refuge management strategies. As an example, the NMFS has lead responsibility for determining and taking actions needed to protect and encourage recovery of the Hawaiian monk seal but it is not clear whether the proposed master plan reflects actions being taken or planned by the NMFS or considers only those actions being contemplated by the PNG.

To provide a more adequate basis for evaluating the proposed action, the final NE/EIS should provide a more detailed description of the research and management actions which would be taken under the various alternatives and how these would affect and be affected by efforts to implement the Hawaiian monk seal and other recovery plans.

Page 6.36 (Item 4). Under the Endangered Species Act, the National Marine Fisheries Service, not the Fish and Wildlife Service, is authorized to designate critical habitat for the Hawaiian monk seal. Therefore, to avoid confusion, this and other similar statements in this document should be clarified. This statement would be more accurate, for example, if it was changed to read: "designate or support designation of critical habitat..."

Pages 6.39 and 6.40 (Items 20 and 21). There can be little doubt that it would be beneficial to provide access to Tern Island, as proposed, provided such an action would not jeopardize

9. RPA #2 lists six projects associated with "lower priority research and management actions in recovery plans." RPA #1 describes six other higher priority projects associated with "high priority research and management tasks in recovery plans." Although these projects are not described in any detail (we feel such would be appropriate for the conceptual format of the Master Plan/EIS), the specific listing of the projects should give the reader an appreciation for the overall level of commitment to recovery plan research/management action for each alternative. In the case of the monk seal recovery plan, responsibility for implementing recovery action is shared between NMFS and PNG. Our intent in RPA #1 and RPA #2 is to implement all of these actions that are within our management capability that have reasonable odds of producing resource results. These actions are, in our view, an integral part of the Master Plan/EIS. Clearly recovery plans for the monk seal and Laysan duck were strong influences in our planning process.
10. Small stature bar and photography/journalism groups have routinely and successfully utilized term feined in the past. PNG personnel have experienced little difficulty in providing proper management/supervision of the groups. Because we are proposing only a slight increase in this activity over existing levels, we envision few if any operational concerns.



## Comment

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endangered or threatened species. It also seems unlikely that the program envisioned on pages 6.13 and 6.34 would jeopardize endangered or threatened species, provided refuge staff would be able to provide adequate supervision.

It is not clear, however, that the refuge staff could provide adequate supervision and, before authorizing such activities, a review should be conducted to ensure that staff supervision would be adequate to assure that the proposed action would not jeopardize monk seals or other endangered or threatened species. The results of this review should be reported in the final MP/EIS.

Page 6.49 (Item 23): The first sentence in this section states that: "This strategy recognizes both the need to reduce the risk of vessel groundings and the legitimate right of the fishing industry to operate free from unnecessary regulation and invasion of privacy." It does not describe or provide an assessment of the "strategy" which is being proposed.

Page 6.49 (Item 23): Precisely what is included in this proposal is not clear. It implies, for example, that more than one buoy might be installed outside the refuge boundary. It also indicates that regulated access to Tern Island would be provided for limited recreation, equipment storage and emergency evacuation when weather conditions within the Shoals make small boat activities permissible. It implies that the RMS has determined that such activities would be compatible with the primary purposes of the refuge, and would not jeopardize endangered or threatened species, but does not provide the rationale for this determination.

Such an action could jeopardize the Hawaiian monk seal and other endangered species. Therefore, as noted earlier, the RMS should undertake a Section 7 review, as noted earlier, whether the proposed action might have significant adverse impact on the Hawaiian monk seal or other endangered species, and, if so, how the impacts might be avoided. The results of the review should be reflected and reported in the final MP/EIS.

Page 7.4, par. 2: The data presented in Table 2 do not support the statement in this paragraph that the rate of increase in monk seal use of Tern Island beaches appears to be leveling off.

Page 7.16, last paragraph: The basis for the statement in the second sentence of the paragraph concerning expectations for an additional infusion of non-federal dollars for research in the Northwest Hawaiian Islands is not self-evident and should be explained.

## Response

11. This strategy expands upon BPA #1 which describes in greater detail the strategy to regulate and monitor nearshore vessel traffic.
12. This strategy has been rewritten to clarify and justify the position regarding support of the commercial fishing industry. Section 7 consultation by both NWS and RMS will address this strategy. The RMS section 7 biological opinion issued on January 10, 1985 concluded that adoption and implementation of the Preferred Alternative would promote conservation of the species addressed in this Master Plan/EIS. This finding has been incorporated into the final Master Plan/EIS. NWS section 7 review findings are expected in July 1985.

Page 7.25, second paragraph: Since the description of the Preferred Alternative on page 6.19 indicates that Ruse would be eliminated from consideration as the destination for nature tours and education programs, references to Ruse Island in this paragraph probably should be deleted.

Page 7.8 (last par.): Among other things, this paragraph indicates that both terrestrial and marine biological resources will benefit directly from continued support of fisheries in the SMW and that monitoring may result in some future modification of the fishery support program, in the interest of preventing adverse impacts. It is not self-evident that the fishery support program will not have adverse effects on either terrestrial or marine biological resources or that the reduced monitoring will be sufficient to detect and prevent possible adverse impacts. Therefore, as indicated earlier, the FWS should undertake Section 7 consultations to determine whether the proposed continuation and possible expansion of fishery support activities likely would adversely affect any other endangered or threatened species and, if not, whether on-going and planned monitoring programs and regulatory programs are adequate to detect and prevent possible unforeseen impacts.

Page 7.9, par. 1: The latter option referenced in the last sentence in this paragraph also could reduce the risk of fuel spills, groundings, and disturbance from vessel traffic in the vicinity of the refuge. Therefore, it would be appropriate to add a sentence that reads something like:

"The latter option also could reduce the risk that fuel spills, groundings, and nearshore vessel traffic could adversely affect wildlife resources in the refuge."

SUMMARY COMMENTS AND RECOMMENDATIONS

In summary, while most aspects of the proposed action seem appropriate and justified, it is not clear that continued and expanded support of fishery development in the Northwest Hawaiian Islands are compatible with other higher priority objectives, such as protection of endangered and threatened species, or that proposed monitoring and management programs will be sufficient to detect and prevent possible adverse effects. In addition, it is not clear that the proposed plan appropriately reflects the National Marine Fisheries Service's responsibilities and efforts to implement the Hawaiian Monk Seal Recovery Plan. Therefore, if the Fish and Wildlife Service has not already done so, the Commission recommends that it undertake consultations, pursuant to Section 7 of the Endangered Species Act, to ensure that the

Comment

proposed action will not jeopardize the Hawaiian monk seal or other endangered or threatened species, or result in the destruction or adverse modification of habitat critical to their survival, that the proposed action be modified as necessary to reflect the results of the reviews, and that the results be reported in the final NE/REIS.

If you have any questions concerning these comments or recommendations, please let us know.

Sincerely,

*John S. Twiss, Jr.*  
John S. Twiss, Jr.  
Executive Director

Response

[Empty response box]

Lyabois

COMPS



## Comment

October 29, 1984

Refuge Manager  
Hawaiian Islands NWR  
P.O. Box 50167  
Honolulu, HI 96850

Dear Sir:

These comments are in response to the DEIS #8448 concerning the master plan of the Hawaiian Islands NWR.

The draft generally presents a reasonable attempt to balance the multiple demands on NWH resources. However, it focuses primarily on actions that the Fish & Wildlife Service (FWS) can take to reach the various management objectives. Little effort was spent on potential actions of other federal agencies or Congress.

The National Environmental Policy Act (NEPA) is an action-forcing statute. NEPA regulations state that alternatives to a proposed action are "the heart of the environmental impact statement." 40 C.F.R. § 1502.14 (1984). Such alternatives must include reasonable alternatives that are not within the jurisdiction of the lead agency. 16. Court cases that have interpreted NEPA have clearly come to this conclusion. For example, Circuit Judge Leventhal in *Natural Resources Defense Council v. Morton*, 458 F.2d 827 (D.C. Cir. 1971) stated

Congress contemplated that the impact statement would constitute the environmental source material for the information of Congress as well as the Executive, in connection with the making of relevant decisions, and would be available to enhance enlightenment of--and by--the public...the mere fact that an alternative requires legislative implementation does not automatically establish it as beyond the domain of what is required for discussion, particularly since NEPA was intended to provide a basis for consideration and choice by the decisionmakers in the legislative as well as the executive branch. 456 F.2d at 833-37.

Given the explicit regulations and the legislative intent of NEPA, it is clear that the draft master plan is inadequate. While it is a coherent exposition of the means by which FWS can achieve some of its goals, many other reasonable alternatives have not been explored. These are not necessarily "better" than the preferred alternative in the draft master plan but they must be discussed in order to comport with the intent and requirements of NEPA. Only after such analysis can decisionmakers and other interested parties select a preferred alternative.

## Response

### Response to Critic 5, Harrison

1. The early phases of the HIRMA master planning process included an extensive scoping effort which warrants considerable discussion of other possible alternatives occurred. A variety of alternatives were considered including ones similar to those referenced on page 2 of your letter. For many of the same reasons cited in your proposal for a marine sanctuary (enhanced jurisdictional responsibilities among federal resource agencies, conflicting policies and goals among concerned state and federal agencies, single purpose interest groups that could wear faction as part of a NEPA commission, etc.) these alternatives are viewed as not having a reasonable chance of being implemented. For these reasons we have not addressed ideas such as a marine sanctuary as fully-developed alternatives in the Master Plan/EIS. As discussed, however, we feel it appropriate to include in our preferred alternative a strategy to explore a marine sanctuary, outside the scope of the Master Plan/EIS once it is approved.

Columbia

Honolulu

## Comment

Refuge Manager  
page 2

The final master plan should totally reorganize its approach and thoroughly discuss the merits and disadvantages of:

1. changing the refuge boundaries by federal statute (either increasing or decreasing refuge waters);
2. creating a marine sanctuary;
3. creating a NMHI Commission by federal statute to administer the lands and waters of the NMHI (membership of the commission comprised of appropriate agencies and interest groups);
4. creating a state entity to manage the NMHI within federal guidelines;
5. other similar possibilities.

The preferred alternative and master planning process solve few, if any, of the NMHI resource problems. The DES recognizes that FWS' ability to functionally manage the resources has been complicated by the State's reluctance to acknowledge FWS jurisdiction. The DES neglects to mention that FWS' ability to manage marine birds, the motivation for establishing the refuge in 1909, is seriously hampered by the legal opinion of the Department of the Interior that interior cannot enforce the Migratory Bird Act beyond the three-mile territorial sea. Fishing for tunas outside refuge boundaries may impact seabird populations. Deep-sea mining for cobalt-rich manganese crusts may occur near the refuge and affect refuge wildlife via the food chain. The existing refuge framework cannot deal with these problems, and a planning document that seeks to manage resources for several decades requires more foresight than has been shown in the DES. The approach of the draft master plan may be appropriate for typical FWS terrestrial refuges in North America, but is inadequate for the NMHI. The DES is an opportunity to rigorously explore and objectively evaluate reasonable alternatives, not merely endorse policies and approaches of the past. The scope of this effort is far too limited.

In addition to general comments on the adequacy of the DES, several specific alternatives merit comment:

- (1). The master plan contemplates an FWS role in conducting nature tours. While the idea of nature tours on Midway is excellent, it is inappropriate for a government agency, federal or state, to become a tour operator. This would commit precious dollars and ceilings to an activity that would be far more

## Response

2. Included in the U.S. Navy's response to the Draft Master Plan/DES is the statement that "... Midway is a military installation closed to the public ... the Island will not be open to recreational or expanded visitor use." See pages 8.47 and 8.43. This statement has caused us to revise strategies regarding interpretive use at Midway Island and makes the discussion of private vs. government operation of interpretive tours moot. Refer to response to Department of Defense, Headquarters (Naval Base Pearl Harbor, HI, page 6.42).

Refuge Manager  
page 1

efficiently administered by the private sector; there is no reason for federal employees to be tour guides on Midway. If nature tours to Midway are economically feasible, it will not be difficult to locate tour operators that have similar experience elsewhere. Consideration might be given to sponsorship of such tours by the Bishop Museum, Waikiki Aquarium, or the Oceanic Society. The reason there are no tours on Midway today is the refusal of the U.S. Navy to guarantee access on tour dates. PNG's most positive role with Midway tours is simply to convince the Navy to allow them, not to attempt to run or regulate such tours.

(3). PNG should clarify the purported benefits in adding Midway to the refuge system. The DMS implies that PNG cannot solve wildlife problems on Midway unless it becomes a wildlife refuge. The Midway wildlife problem on Midway today is the explosion of the rat population that threatens the existence of the Bonin petrel colony there. A problem that has been recognized since at least 1979. PNG could solve this problem now. The Animal Damage Control division of PNG has conducted research on rat populations and control in the sugar cane fields on the island of Hawaii for many years. The research did not occur on any wildlife refuge. I hope that the existence of the Bonin petrel population on Midway is not being used as a bargaining chip to add Midway to the refuge system.

(4). The costs of managing and monitoring the resources of the BHI could be substantially reduced if the Point Reyes Bird Observatory (PRBO), or a similar institution, ran Tern Island and other field camps. PRBO has run the field camps and conducted research on seabirds and seals in the Farallon Islands another wildlife refuge, for over a decade. Such an approach could easily work in the BHI, and should be explored and evaluated in the final environmental impact statement.

(5). If PNG continues to do its own research in the BHI, it should explain why it does not use its own Research Division. PNG has a team of seabird specialists in Anchorage that could provide long-term technical support for the refuge.

Thank you for this opportunity to comment on the DMS.

Sincerely,

Craig S. Harrison  
Craig S. Harrison  
46-024 Poulens St. #414  
Kaneohe, Hawaii 96744

3. The benefits associated with an "overlay" refuge at Midway Island are referenced in MA Strategy #9 as "...to enhance the effectiveness of fish and wildlife programs at Midway Island....". The key reference here is "enhance." It is true that certain existing resource problems at Midway can be addressed through the current cooperative wildlife management agreement. However, "overlay" refuge status provides for a greater opportunity to manage resources of the island toward achievement of refuge objectives, provided our management does not conflict with the Navy's operation. Examples of such opportunities include the provision of direct assistance to the naval contractor in rat control efforts through the presence of an on-site refuge manager; the provision of similar assistance in the effort to control mosquitoes as vectors for avian pox and avian malaria; and stronger enforcement of the regulations restricting access to the most seal haulout beaches at Eastern Island.

4. The question of who specifically operates the Tern Island field station and other field camps in the BHI is a detailed, operational matter that is not appropriately addressed in the Master Plan/EIS. In our view, the broader and more important issues are: 1) whether the operation of the Tern Island field station and other field camps should be continued at all; 2) the objectives/purposes of these operations; and 3) the priority/importance of these operations. These have been addressed thoroughly in the Master Plan/EIS.

As a parastatistical unit, Point Reyes Bird Observatory (PRBO) activities in the Farallon Islands would not be possible without its considerable financial and operational/maintenance support provided by the FWS. Currently the FWS provides approximately \$15,000 for salaries and maintains three diesel generators and other facilities at the Farallons. Additionally, PRBO draws mostly on volunteer labor to conduct studies on the Farallons. Volunteers are responsible for providing their own transportation to and from the islands. Such an arrangement, because of significantly greater logistical constraints is, in our opinion, not feasible in the BHI.

5. Research and monitoring strategies included in the Preferred Alternative of the Master Plan/EIS are directly related to management actions needed to enhance/preserve certain populations of wildlife species. For this reason, strategies concerning research and monitoring have been determined to be an appropriate function for the refuge staff. Furthermore, the matter of which division of the FWS conducts the actual research/monitoring activities is also an operational matter that rests outside the scope of this document. What we believe to be the important issues regarding research/monitoring are: 1) identification of what research/monitoring is needed to effectively manage and preserve important wildlife resources; 2) review/evaluation of research to insure study objectives are achieved; 3) the priorities of such activities; and 4) insuring these activities are consistent with FWS policy for research on birds of the Refuge System. Each of these issues has been addressed in the Master Plan/EIS.



# Comment

BERNARD H. STANTON  
Governor of Hawaii



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
P. O. BOX 587  
HONOLULU, HAWAII 96808

RECEIVED AND FORWARDED  
TO THE GOVERNOR  
HONOLULU, HAWAII  
DATE: 10/21/84  
BY: [Signature]

October 31, 1984

Dr. Richard Nees, Refuge Manager  
Hawaiian Islands National Wildlife  
Refuge  
U.S. Fish and Wildlife Service  
P. O. Box 50167  
Honolulu, Hawaii 96820

Dear Dr. Nees:

Enclosed are our Department's comments on the Draft of the Hawaiian Islands National Wildlife Refuge Master Plan/Environmental Impact Assessment and Technical Appendices.

We are glad that many elements of our French Frigate Shoals Fishing suggest station proposal were incorporated into the draft Master Plan. The Service's consideration of public user needs in the NWRP is appreciated. It is our hope to continue to work cooperatively with the Service to protect and manage the unique wildlife and resources of the NWRP.

We have several general reservations regarding the strategies presented in the draft. Basically, they concern those items that involve the jurisdictional disputes between the state and federal government, and those that may impact the state's plans for fisheries development and management in the NWRP.

The state does not recognize the boundaries for the Hawaiian Islands National Wildlife Refuge (NWRP) that you suggest. As stated in the past, it is our position that the state has jurisdiction over all submerged lands in the Northwestern Hawaiian Islands, except for Midway Islands. Although it is not mentioned in your Master Plan, the expansion of the NWRP to include submerged reefs and shoals occurred very recently in an arbitrary manner, without public notice or state government input. As recorded in the 1982 State of Hawaii Data Book on page 183, a letter from the General Services Administration to the State Statistician noted that "this increase of nearly 250,000 acres is almost entirely due to a correction of acreage holdings submitted by the U.S. Fish and Wildlife Service. That office revised a Hawaiian Islands National Wildlife Refuge holding from 1,806.5 acres to 254,416.1 acres to include the lagoon water acreage of the circular reefs and shoals."

# Response

Response to State of Hawaii, Department of Land and Natural Resources

1. The FWS understands that the State of Hawaii is in disagreement with the boundaries of the NWRP as recognized by the federal government. This issue is addressed on pages 4.7 and 4.25 of the Master Plan/EIS to the extent appropriate for this document.

# Comment

Dr. Richard Moss  
October 31, 1984  
Page 2

2 We oppose the designation of wilderness for the HDMR for it is redundant and unnecessary. The HDMR are also a state refuge under the jurisdiction of our Department. Existing federal and state laws are adequate to protect the unique and sensitive wildlife resources of the refuge. We are also concerned with the welfare of the threatened/endangered species and unique habitat of the HDMR, and our wildlife refuge responsibilities extend up to bare skull. We believe that cooperative federal and state management of the HDMR refuge can protect the wildlife and habitat there, while promoting prudent use of natural resources.

3 We have reservations on the proposed 20 fathom boundary for the Critical Habitat for the monk seal. However, designation of Critical Habitat for the HDMR for emergent lands and a few feet of the shallow water along the beach required by very young pups may be acceptable. We believe that the designation of what is "critical" habitat in nearshore waters is still in question and that further research and discussion is necessary before full agreement can be reached.

4 The plan suggests that sanctuary status be sought for waters around the HDMR. The recent experience of the state with the National Oceanic and Atmospheric Administration's Marine Sanctuary program for humpback whales has made the state wary in supporting a proposal to establish a marine sanctuary around the HDMR. This proposal should be deleted.

5 The location of a fishing support station in French Frigate Shoals is within state waters, notwithstanding the location of the refuge boundary as suggested by the Service. However, there is no need to place the buoy close to Tern Island, as long as it is within protected waters and within small-craft range of Tern Island. The buoy location shown on Map 11 on page 6-30 seems acceptable. We are confident that environmental impacts of the fishing support station on French Frigate Shoals will be minimal and controllable.

6 The Small Fisheries Coordinating Council, a council composed of government representatives and appointed representatives from the fishing industry and the public which advises the Board of Land and Natural Resources on fisheries related matters, concurs with the Department's position regarding the Refuge and Nestor Plan.

7 We can agree with the intent of the draft Preferred Alternative to both protect the unique wildlife and habitat of the HDMR while allowing prudent public use of the resources. However, we do not necessarily agree with all of its provisions, as our comments indicate.

Thank you for this opportunity to review and comment on this document. Other more specific comments are attached. Your effort to produce a Nestor Plan for the HDMR is commendable.

Very truly yours,

  
ROBERT D. O'CONNEL, Chairman  
Board of Land and Natural Resources

encl.

# Response

2. By law the PMS is directed to recommend areas that satisfy certain criteria for Wilderness status. (See page 4.4.) Recommended in the Preferred Alternative of the Nestor Plan/EIS is a proposal to nominate appropriate emergent lands of the HDMR for Wilderness status. Additionally, the PMS would pursue nomination of HDMR waters for Wilderness, but only after evaluation and resolution of important issues such as the boundary dispute.

3. The strategy referring to this matter has been revised to acknowledge only "support" for critical habitat for the seal as determined by NMFS.

4. The PMS recognizes the State's past experience with marine sanctuary designations. However, public comments in support of the sanctuary concept require us to consider the potential merits of such a proposal in an open public forum following approval of the Nestor Plan/EIS. Because much of the area proposed for sanctuary status involves responsibilities of other state and federal agencies, participation by such organizations in such a study is essential.

5. Your acceptance of the buoy location shown on Map 11 is recognized and appreciated.

6. Comment acknowledged.

7. We recognize the fact that agreement on every issue of a plan of this magnitude is extremely difficult to attain. We appreciate your comments and your general overall concurrence with the intent of the Preferred Alternative.

# Comment

## Specific Comments on HMMNR Master Plan Drafts

Page	Para.	Serial	Comments
0.5	2	1	Sentence should be clarified.
3		8	The Hawaii Fisheries Development Plan stressed fisheries development throughout the state, not just HMMNR.
4		9	We agree that commercial fisheries will take place outside refuge boundaries.
4		9	There is no evidence for a direct linkage between presence of terns and seabird feeding activities. No evidence presented that catching terns will affect seabirds. Seabirds often breed near the action without being driven there by terns.
5		10	Not within HMMNR boundaries according to state interpretation.
5	1	1	All fishermen do not use squid for bait.
5	2	10	We consider the lesson to be state waters.
0.6	2&3	8	The primary purpose of the Tulepelele study was to assess the natural resources of the site for later development and management planning.
.11	1	11	Regulation of vessels is not possible, how this would be done is unclear.
2		12	Since the islands are already a refuge, there is no need for wilderness designation.
4		13	The Service has no jurisdiction over Kure Atoll.
6		10	Roosting birds will be in state waters, not inside boundary.
2.7	0.1		Agree that Master Plan/EIS must show flexibility.
3.18	2		<i>Squilla subtruncata</i> reclassified.
3.19	2	8	The albatross fisheries are becoming important commercially too. State management is applied through minimum size (one pound) for sale, closed seasons, no gaffing, etc.
3.21	1	5	"Infrequent" turtle breeding is mentioned. Does that mean they normally breed infrequently, or they don't breed as frequently as in the past?
		14	

# Response

8. We concur with the comment and have modified the Master Plan/EIS appropriately.
9. Comment acknowledged. Master Plan/EIS uses the word "catch" to acknowledge that factual evidence may be lacking. Additional clarification added.
10. Comment acknowledged. See response # 1 above.
11. Comment acknowledged. Methods suggested for regulation of vessels are listed in RPA Strategy #1. See response to Western Pacific Regional Fishery Management Council #4, page 8.73.
12. Comment acknowledged. See response # 2 above.
13. Comment acknowledged. Reference is with regard to cooperative studies only.
14. Comment acknowledged. Sentence clarified.



# Comment

Page	Para.	Start.	Comments	
3.28	2	445	The decrease in commercial fishermen and improved enforcement of refuge regulations in the last 25 years has evidently not helped the monk seals much.	
3	3	16	Most fishermen work east of Nihoa Reef. There is no need to blame commercial fishermen for decline of monk seals in the west. It seems that commercial fishermen continue to be blamed for environmental damage, yet, even researchers have harassed seals and turtles. Since fishermen are trying to make a living fishing, they have no time to watch on land, where most harassment occurs. Most encounters with seals at sea occur because the seals are so curious. In a 1989 administrative report by Harperry (1989), he notes that very few encounters with threatened and endangered species occurred relative to the amount of time spent fishing, and that no interactions occurred while fishing in 943 days at sea.	
3.30	1	3	17	Who are the "industry representatives"?
445	10		We do not think it appropriate to use Delight results to derive resource estimates. DMR is currently revising and updating the Hawaii Fisheries Development Plan.	
3.32	2	4	Vessel groundings rather than "grounding"	
4.4	4	12	We object to wilderness nomination. Also many islands in WHI are hardly "unaffected" by human activities.	
4.5	2		There is also supposed to be coordination with state agencies pursuant to Fish and Wildlife Coordination Act.	
4.6	4	Last 8		
4.8	2	3	Notes that it is Department of Planning and Economic Development.	
	5		Green sea turtles are listed as threatened under DMR Administrative Rules Chapter 15-124.	
4.9	2a	19	Appears that an old edition of the statutes was used. Also boundary is still diagonal.	
4.12	2	(1)16	Protection of endangered species from natural disasters should also be considered.	
		20	"Non-000" lands and authority over them should be clarified.	

# Response

15.	Comment acknowledged. No changes required.
16.	Comment acknowledged. No changes required.
17.	Comment acknowledged. Sentence modified.
18.	We feel the Delight study is a valid information source for projections of this type. We have noted the Hawaii Fisheries Development Plan update.
19.	Comment acknowledged. DMS policy with regard to endangered species is focused on mitigating impacts associated with man's influence.
20.	Non-DMS lands include dry land and water areas not owned by the DMS. We acknowledge that the DMS has no authority on many of these lands. This specific reference concerns cooperative involvement in restoring species that utilize such lands.

# Comment

3

Page	Para.	Revt.	Comments	
4.16	5	3	21	How would "adversity" of modifications be judged objectively, and if there was no jeopardy, then why would it be adverse?
4.17	5	2		The state was asked by Assistant Secretary of Interior to prepare a detailed proposal.
4.22	3	3	8	An albacore tuna fishing membership operation was conducted only in 1979.
6.11	1	2		State's interest is in rational use of all resources, in line with preservation of unique features of the area.
6.12	5	1	22	Several estimates for bird populations have been used (9, 12, 14 million). Which one is correct?
6.16	1	4	8	The buoy was also installed under a state Conservation District license.
6.17	4	12		Wilderness status is unnecessary.
	5	23		Marine Sanctuary is unacceptable.
6.26-21			24	The proposal to regulate vessel traffic is restrictive and implementation will be difficult, if not impossible. Also, accurate monitoring, reporting by commercial fishing vessels is highly unlikely.
6.31	2			It appears that the use of Emergency Position Indicating radio buoys for monitoring is suggested. This is improper and restrictive. It is the U.S. Coast Guard's responsibility to set requirements for vessels.
6.33	2		8	Cooperative programs may be proposed, but should not be implemented without state approval.
6.34	3		10	Mooring buoy will be in state waters.
6.36	4)		9	The state representations on the West Seal Recovery Plan discussed on the West 8001 Critical Habitat as proposed.
6.39	17)(19)			For here, with punishment of BURE and Coast Guard.
7.11	5	1	10	Vessel traffic will be outside inner boundary.

# Response

21. Comment acknowledged. An action could be evaluated as adverse but not so significant as to constitute "jeopardy."
22. Estimates of bird populations are presented as breeding birds, breeding pairs, and total of breeding and non-breeding birds. Thus, despite different numbers appearing, all numbers referenced are correct.
23. Comment acknowledged. See response #1 above.
24. Comment acknowledged. See response to Western Pacific Regional Fishery Management Council #1, page 8.72.

Comment

Response

## Comment

### Comments on Technical Appendixes:

Page	Para.	Text.	Comments
3	6		
	25	If human activity disturbs seals thereby causing them to avoid the area, why is the houting beach at Rana used frequently by seals to haul out (Ollmarthin, para. com.1)?	
7			
	26	Might these changes have began even before sensitive exposure and sanitizing took place? Maybe skewed sex and egg ratios are due to seal intraspecific aggression.	
10	6		
	27	If tiger sharks are a major predator on turtles, it might be a good idea to encourage fishermen to catch them.	
12			
	10	The establishment of wilderness for the island is unnecessary. It also appears that the island would not qualify for wilderness status (5000 acres) unless the Service succeeded in expanding area to include nearshore waters. Is this why this was done?	
	12	There is some disagreement with the 20 sq boundary of the proposed Critical Habitat.	
15	1		
	23	We object to marine sanctuary.	
	29	We don't think World Heritage site status should be pursued.	
16	2		
	10	Do not agree with the Service's stated goals for boundary review.	
17			
	Table - Food		
	30	Seals that no fishing occurs for flying fish, and none for squid too, so competition for food from humans is nil.	
18	4		
	31	How about predation by sharks?	
	Table - Food		
		Ditto previous comment; if anything, large tuna are eating the squid these birds prey on, so they too are competing for resources.	
20			
	Table - Food		
	30	Noting that these birds eat, namely Myctophids, squid, Stenopodidae, which come up next the water surface at night when tuna are not active, it appears competition by fishermen is nil.	
21			
	Table		
			Ditto previous comment.

## Response

25. While seals may still haul out on the houting beach, the total number of seals using Rana has declined about 50%, according to censuses of counts from the early 1960s with more recent ones. Following closure of the Loran Station and the subsequent decrease in human presence at French Frigate Shoals, the number of seals using Fern Island beaches increased significantly.
26. It is not known when these population changes began. Skewed age and sex ratios may be due to male aggression, although cause and effect are difficult to determine. Human presence may be the only factor involved in these changes. The wording of the paragraph has been changed to reflect this.
27. In the face of "excessive" predation, shark control would be considered in both the optimum and acceptable scenarios for turtle production and maintenance.
28. Concur; wording changed.
29. Although the FMS does not yet have enough information to fully evaluate all ramifications of World Heritage Site status at this point, we feel the matter is worth pursuing.
30. The food table is informational only. Sections within the body of the Master Plan/FIS discuss seabird-human competition. For a concise review, see part C of the Summary section. No change necessary.
31. Concur; wording changed.



## Comment

Page	Para.	Serial	Comments
23-28		32	Perhaps if the state's program on FNOs were implemented in the 1980s, those birds could benefit more than humans, i.e., more more food available and easier to get.
47		33	We believe commercial fishing should receive higher priority given the potential for fisheries development of the 1980s.
2	4	34	This section proposes restrictive regulations on commercial fishing activities in "near" refuge waters. What is meant by "near" refuge waters? Also, the draft appears to put the area on commercial fishing to prove it is "irreversible" of causing environmental damage, rather than THE SERVICE taking the responsibility to prove that commercial fishing is detrimental. And of course, a decline in pre-harvest populations of fish will take place as fishermen catch them. After an initial period of high catch rates, the fishery will settle into a period where consistent catch rates result, if effort remains the same. It is also implied that the Service will manage fisheries that are the responsibility of either the state or the Western Pacific Regional Fisheries Management Council. The Service has no authority over the activities of commercial fishermen fishing in state waters.
5	35		What is meant by "conflict of interest"?
46	Table	36	Subject to revision with update of Small Fisheries Development Plan.
52	4	37	Humans are not responsible for the alteration of pool of the rock seal, its aberrant and non-adaptive behavior with regard to attacking their own pups and females, and the depredations of sharks and diseases like oligosarcoma.
53	34	38	Agrees that the effects of human activity on rock seals should be studied and documented before promulgating regulations to mitigate such activity.
55	(5b)	39	The first regulations protecting green sea turtles was passed by the state as Small Fish and Game Regulation No. 35 in 1974. It was not until 1978 that the federal government protected the green sea turtle under the Endangered Species Act.
(5c)		40	The state is not currently interested in commercial harvest of green sea turtles.

## Response

32.	Comment acknowledged. No change necessary.
33.	Sections IV and V in the Master Plan/EIS provide rationale for priorities.
34.	Concur, wording changed. Again for a discussion of priorities, see Sections IV and V in the Master Plan/EIS. See response #1 above regarding boundary.
35.	Concur; it has been deleted from the text.
36.	Comment acknowledged; no change necessary.
37.	Note that population decline is attributed to a "combination of natural and human-related factors" in the first sentence of paragraph 4.
38.	Comment acknowledged; no change necessary.
39.	Concur; additional information inserted.
40.	Comment acknowledged; no change necessary.

# Comment

6

Page	Para.	Refr.	Comments
56	1	2	41   As predator control, one could encourage fishermen to catch tiger sharks.
68	6	12	42   As the plan notes here, there is no need for wilderness designation, and it is not acceptable, especially with regard to state claimed waters.
71-74		23	43   Problem with marine sanctuary, other protective measures unnecessary and redundant.
76	5	40	44   Conservation District overlap, does not "override" County Shoreline Management Area.
77	2	43	45   No Revised Revised Statute No. 189-55.
79	1	3	46   The Service may regulate what it has jurisdiction over, but not fishing.
84	4	7	47   Overlapping of oysters took place during federal administration lease, the Territory of Hawaii was asked to take over administration.
	5	1	48   HERRING does not include waters.
	4	46	49   State does not zone.
	5	47	50   Do these species need protecting? Are they threatened or endangered?
	6	48	51   Please clarify this statement.
85		49	52   Agree that more expertise is needed.
90	6	50	53   Not necessarily a point of contention. As stated in the Draft Water Plan, cooperation is possible and desirable.
91	2	51	54   The National Marine Fisheries Service has also transplanted rock snails.
94	5	52	55   Rare Moili is state property.
95	2	53	56   Check also on Project NEED of State Department of Education and DNR. The contact is John Sandline of DNR.
99-104		54	57   It seems many of these activities could be just as detrimental to threatened and endangered species as some of the others.

# Response

41. Concur; no change necessary.
42. Concur; wording changed.
43. Concur; change made.
44. The fourth sentence under "Objectives and Strategies" is not intended to mean that FWS will be the sole regulator. It is hoped that management of seabird populations and marine resources will be based upon all available information, regardless of the source of such data, and will be done cooperatively by involved parties. The islands and oceans are linked biologically; optimally, their management would also be unified.
45. Comment acknowledged; no change necessary.
46. Concur; change made.
47. No reef frums are officially threatened or endangered, although Section 18, E. 3, in the Master Plan/EIS states that the FWS responsibility is not confined to officially-listed endangered and threatened species.
48. Statement deleted.
49. Comment acknowledged; wording change made.
50. Concur; sentence deleted.
51. Concur; information added.
52. Concur; clarification added.
53. FWS has been in contact with the DNR in conjunction with all FWS interpretive programs including those for the HMM. If an other interpretive site is developed, we will ensure this contact to include use of such a site by Project Wild or the DNR.
54. Concur. Most of these outputs are not included in the final output list for the HMMR.

# Comment

# Response

7

Page	Para.	Sent.	Comments
106		55	Do not agree that principal conflicts are the same as albacore. By the very nature of the market, albatrosses are destined for different markets and are handled differently than albacore. That is, a catch-and-release operation will not be needed for albatross.
107		56	If the carryover doesn't occur, this activity is highly unlikely in the west.
109	4	2	Tom Island (French Frigate Shoals) not likely to be used to support albacore fishing, and not desired by most fishermen for this purpose.
110	1	1	The shift from pole-and-line to purse seine fishing began more than 20 years ago and mainly applies to albatross fishing, not albacore. The information here needs updating.
111	1	4	States that without tags to drive baitfish to the surface, the birds would starve to death. Is there evidence that such a strong symbiotic relationship exists?
112	3	6	How are opeln and albat catches inversely related?
113	1		What proportion of the standing stock of these species are these estimates? It also seems far-fetched that birds will become entangled in nets, since the fishermen watch their nets carefully, and the nets are not left in the water very long. Also, it has not been shown that the tags are essential for the survival of the seabirds.
114	4	62	What is the source of the estimates?
115	1	63	Is this a thorough and current analysis?
		263	Since bottomfishing will occur away from the refuge, and has little direct effect on the refuge, why is this listed as an output? The management of such fisheries is not the responsibility of the Service.
116		65	Information is outdated, was except information available from National Marine Fisheries Service and Western Pacific Regional Fisheries Management Council.
118	8	66	Since recreational fishing is so harmful, maybe the station personnel shouldn't be allowed to fish recreationally as well?

55. Concur; wording changed.
56. Concur; information added.
57. Concur; changes made.
58. Concur; changes made.
59. See Section C of the Summary section in the Master Plan/EIS and Refer 1001:53 for further information. No change necessary.
60. The unclear sentence has been deleted.
61. The standing stocks of baitfish species in the BML are unknown. The possibility of birds becoming entangled in baitfishing nets has been deleted from the text.
62. Information deleted.
63. We believe the analysis to be accurate.
64. Bottomfishing, as well as other types of fishing that occur outside the BML boundary, are listed as outputs because they have been analyzed through the planning process as potential uses of the Refuge. In the case of all types of commercial fishing, we have determined that they are not compatible within the Refuge and have removed them from the output list except with regard to FMS support. See Section V of the Master Plan/EIS.
66. BMA #22 specifies that only catch-and-release pole fishing is permitted on Tern Island.



### E. Index

Access, 1.3  
Aerial photography, 6.26, 6.31  
Aesthetics, 3.34  
Air quality, 3.34  
Alternatives, 6.1-6.50  
Antiquities Act, 4.4  
Archeological resources, 3.26, 6.9, 7.7  
Area to be avoided, 4.7, 6.19  
Arthropod fauna, 3.12  
Authorities, 4.1-4.8  
Baitfish, 1.3, 3.20, 3.31  
Baseline Alternative, 6.2, 6.16-6.18  
Biological environment, 7.3-7.7, 7.10, 7.12-7.14, 7.17-7.18, 7.20-7.22  
Biosphere reserve, 6.23  
Black noddies, 3.17-3.19  
Black-footed albatross, 3.17-3.19  
Blue-gray noddy, 3.17-3.19  
Bonin petrel, 3.17-3.19  
Bottomfish, 4.20  
Boundary dispute, 4.24, 6.10  
Bristle-thighed curlew, 3.19  
Budget, 3.32  
Candidate species, 3.13-3.15, 4.3, 5.2-5.3  
Captive birds, 6.21  
Christmas shearwater, 3.17-3.19  
City and County of Honolulu, 4.22  
Climate, 3.11-3.12  
Coastal Zone Management Act, 4.6, 4.8  
Coastal Zone Management Area, 4.22  
Coastal Zone Management Program, 4.21  
Commercial fishery, 1.3, 3.24, 3.30-3.32, 5.5, 5.9, 6.14-6.15, 6.27-6.29, 6.33-6.34, 6.38, 7.9, 7.18-7.20, 7.22-7.23  
Conflicts, 5.7  
Conservation District Use Permit, 4.22  
Constraints, 4.1  
Corals, 3.20  
Cost, 3.32-3.33, 7.8-7.9, 7.11, 7.15, 7.19, 7.23  
Critical habitat, 4.3, 4.16, 6.22, 6.35  
Cultural resource protection, 5.3, 5.8  
Cultural sites, 6.24, 6.31, 7.7  
Demand, 5.6  
Disease, 6.24, 6.36  
Eastern Island, 3.1  
Economic considerations, 3.27-3.34  
Education, 6.13, 6.18, 6.32-6.33, 6.37, 7.8, 7.11, 7.17-7.18, 7.22  
Educational use, 3.27-3.29  
Emergency mooring buoy, 6.15, 6.28, 6.29

---

## Appendices

---

- Endangered species, 5.3
  - Endangered Species Act, 4.2
  - Endemic finches, 3.16-3.17, 5.8
  - Endemic plant species, 3.12-3.14
  - Environmental consequences, 7.1-7.23
  - Environmental education, 5.4, 5.9, 6.18, 6.32, 6.37
  - Environmental Impact Statement, 2.5
  - Executive orders, 4.2
  - Federal Aid in Wildlife Restoration Act, 4.5
  - Federal Water Pollution Control Act, 4.5
  - Fish and Wildlife Coordination Act, 4.5
  - Fishery Conservation and Management Act, 4.5
  - Fishery management plans, 4.20
  - Fishery support, 3.31
  - Fishing industry, 3.30-3.31, 6.14-6.15, 6.27-6.28, 6.33-6.34
  - French Frigate Shoals, 3.1, 3.4, 3.11, 3.29-3.32
  - FWS mission, 4.9
  - FWS public use policy, 4.11
  - Gardner Pinnacles, 3.1
  - Geology, 3.1
  - Gray-backed tern, 3.17-3.19
  - Green turtle, 3.21-3.23
  - Harvest, 3.30-3.32
  - Hawaii Endangered Species Act, 4.8
  - Hawaii Fishery Development Plan, 3.31
  - Hawaii Wildlife Plan, 4.19
  - Historical resources, 3.26-3.27, 6.24, 6.36
  - Insect fauna, 3.12-3.15
  - Interpretation, 5.4, 5.9, 6.13-6.14, 6.18, 6.32, 6.37
  - Kilauea Point, 3.29, 6.13
  - Kure Atoll, 3.29, 6.18, 6.27
  - Land bird species, 3.16-3.17
  - Laysan albatross, 3.17-3.19
  - Laysan duck, 3.16, 4.15, 5.7, 6.5, 6.16
  - Laysan finch, 3.16-3.17
  - Laysan Island, 3.1, 3.6, 3.16
  - Leeward Islands Fishing Act, 4.8
  - Leeward Islands fishing permits, 6.20
  - Lisianski Island, 3.1, 3.7
  - Locational criteria, 2.7, 5.5-5.6
  - Logistical support, 6.14-6.15, 6.27-6.28, 6.33-6.34, 6.38
  - Maintenance, 5.1-5.2
  - Management Council, 4.20
  - Mandates, 4.1
  - Marine birds, 5.4, 5.8
  - Marine Mammal Protection Act, 4.4
  - Marine Protection, Research and Sanctuaries Act, 4.6
  - Marine reef species, 5.4, 5.8
  - Marine sanctuary, 6.17
-



## Appendices

---

Marine turtles, 3.21-3.23  
Masked boobies, 3.17-3.19  
Master output list, 5.1  
Master Plan/EIS, 2.5  
Master planning, 1.1, 2.1, 2.3, 2.4, 5.1  
Master planning workbook, 2.3  
Midway Atoll, 3.1, 3.30, 4.22, 6.9, 6.18, 6.27  
Migratory Bird Treaty Act, 4.4  
Millerbird, 5.8  
Mission of the National Wildlife Refuge System, 4.11  
Monitoring, 6.10-6.12, 6.15-6.17, 6.19-6.21, 6.24-6.25, 6.27, 6.30-6.31, 6.33, 6.36  
Monk seal, 3.21-3.22, 4.14-4.15, 5.7, 6.5  
Monk Seal Act, 4.8  
Mooring buoy, 6.27-6.29, 6.33-6.34, 6.38  
Mothership operation, 4.17-4.18, 4.23  
Multi-species fishery, 4.17-4.18  
National Environmental Policy Act, 1.2, 2.5, 4.5  
National Historic Preservation Act, 4.4  
National Marine Fisheries Service, 4.3, 4.16  
National Natural Landmark, 6.23-6.24  
National Wildlife Refuge System Administration Act, 4.4  
Nature tours, 6.32, 6.37  
Navy, 4.23  
Necker, 3.1, 3.3, 3.26  
Nihoa, 3.1, 3.2, 3.17, 3.26-3.27  
Nihoa millerbirds, 3.17  
No Action Alternative, 6.1-6.15  
Objective statements, 5.7-5.9  
Objectives, 5.1-5.9  
Ocean current, 3.11  
Ocean Management Plan, 4.21  
Offshore marine environment, 3.23-3.25  
Oil spill, 6.11  
Other migratory birds, 5.4, 5.8  
Other protective status, 5.3, 5.8  
Other public and economic uses, 5.4, 5.9  
Other recreation, 5.5  
Output list, 5.2  
Output summaries, 2.7, 5.6, 5.7  
Outputs, 5.1  
Pacific golden plover, 3.19  
Pelagic fishes, 3.24  
Photography/Journalism/Art, 5.4, 5.9, 6.18, 6.32, 6.37  
Physical environment, 7.2, 7.10, 7.11-7.12, 7.16-7.17, 7.20  
Planning framework, 2.1  
Planning period, 2.7  
Planning process, 2.1  
Policies, 4.1

---



## Appendices

---

Potential, 5.6  
Preferred Alternative, 6.1-6.5, 6.34-6.38  
Production, 5.1  
Program goals, 4.9, 4.10  
Program management documents, 2.1  
Public access, 3.26-3.29  
Public awareness, 6.8, 6.12  
Public involvement, 2.1, 2.5, 2.6, 2.7  
Radar targets, 6.20  
Recover plans, 4.14-4.16, 6.5-6.6, 6.16, 6.21  
Recreational fishing, 5.5, 5.9  
Recreational use, 3.27, 6.14, 6.33-6.34, 6.38  
Red-tailed tropicbirds, 3.17-3.19  
Refuge Recreation Act, 4.6  
Refuge Revenue Sharing Act, 4.6  
Refuge Trespass Act, 4.6  
Regional and area goals/policies, 4.12  
Regional marine bird policy, 4.13  
Regional Resource Plan, 2.1, 2.3, 4.12  
Rehabilitation costs, 3.33  
Religious sites, 3.26-3.27, 6.31, 6.36  
Research, 6.5-6.6, 6.9, 6.12, 6.16, 6.21, 6.35, 6.40-6.43  
Research natural area, 4.7, 5.3, 5.8, 6.9  
Research studies, 5.4  
Resource Preservation Alternative, 6.1-6.5, 6.19-6.29  
Resource utilization, 1.2  
Resource Utilization Alternative, 6.1-6.5, 6.30-6.34  
Risk, 7.1  
Rivers and Harbors Act, 4.5  
Ruddy turnstone, 3.19  
Sand Island, 3.1  
Sea wall, 3.32-3.33  
Seabird colonies, 3.17-3.19  
Seabirds, 3.17-3.19  
Section 7 consultation, 4.2, 4.17, 7.1-7.2  
Sensitive species, 5.3, 5.8  
Service Management Plan, 2.1, 2.3  
Sharks, 3.20-3.21  
Shoreline management area, 4.21  
Short-tailed albatross, 3.19  
Slipper lobster, 3.21  
Social environment, 7.7-7.9, 7.11, 7.14-7.16, 7.18-7.20, 7.22-7.23  
Soils, 3.11  
Sooty storm-petrel, 3.17-3.19  
Spiny lobster, 3.21  
Staffing, 3.32  
State Fishery Development Plan, 4.17  
State Historic Preservation Act, 4.8  
State Wildlife Refuge, 4.8

---

## Appendices

---

Storage of fishery gear, 6.33-6.34  
Technical appendix, 2.7  
Tern Island, 3.10, 3.30-3.33, 4.17-4.19, 6.13-6.15, 6.33-6.34, 6.38-6.50  
Tern Island study, 4.18  
Terrestrial biota, 3.12  
Terrestrial endemic/native species, 3.12-3.15, 5.4, 5.8  
Threatened species, 5.3  
Treaties, 4.1  
Tripartite Cooperative Research Agreement, 1.3, 2.1  
Tripartite Symposium, 2.5  
Use-day, 5.2  
Vulnerable species, 5.3, 6.5, 6.16, 6.30, 6.34, 7.3-7.6, 7.12, 7.17,  
7.21  
Wandering tattler, 3.19  
Wedge-tailed shearwater, 3.18  
Western Pacific fishery, 4.20  
Whales, 3.24-3.25  
White terns, 3.18  
Wilderness, 4.4, 5.3, 5.8, 6.16-6.17, 6.24, 6.35-6.36  
Wilderness Act, 4.4  
Workshop, 2.6  
World Heritage Site, 6.23

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