



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20350

30 April 1980

*Greenwalt*  
*05/107*  
Mr. Lynn M. Greenwalt  
Director  
U. S. Fish and Wildlife Service  
Washington, D. C. 20240

Dear Mr. Greenwalt,

The purpose of this letter is to seek reconsideration of the January 22nd denial, by the Portland, Oregon Regional Office of the Fish and Wildlife Service, of the U. S. Navy's request for a Migratory Bird Special Purpose Permit for Kaula Island (Rock) Hawaii. Members of our respective staffs, both here and in Portland, have discussed this matter over the past months. We now understand that the matter has been referred you for consideration.

Kaula Rock is the only target available for the delivery of multiple bombs on a single run. Such weapons deliveries are restricted from the Kahoolawe Range. Kaula Rock is also especially suitable as a "point target" which may be describe as a single or small target needed to assess the accuracy of pilot against a simulated target wherein the latitude, longitude and elevation are precisely defined. Also it should be pointed out that the "target" in this context is restricted to but one end of the Island and involves less than 8% of the total land mass.

Military practice is not just the assessment of "accuracy", i.e., whether ordnance hits a "bullseye" or not; but rather it involves the complete evolution of ordnance handling including, loading, fuzing, and delivery which must be maintained at an acceptable level of proficiency if the naval air arm is to be capable of performing its mission. As forward bases have been phased out in the past years, the mid-pacific or Hawaiian region has become more and more significant for strategic purposes. Naval forces cannot be maintained in a top state of readiness without training. Training must be defined both in scope and in frequency of opportunity and there is no alternative to Kaula Rock to maintain the level of proficiency mandated by the National Defense posture. In this regard, carrier-based aircraft bombing is considered an integral part of national defense, and will continue to be in the foreseeable future. With no opportunity to exercise ship and carrier air (wing) teams prior to deployment, a significant degradation in unit combat readiness would be realized. Such degradation is not acceptable. The same comments apply to the U. S. Marine Corps aviation units which use Kaula Rock.

As a result of using Kaula Rock as a bombing range, there is the distinct possibility that some birds covered under the Migratory Bird Treaty Act may be accidentally and incidently taken. However, our studies at other bombing ranges (e.g., Vieques, Kahoolawe) which in many instances were conducted in conjunction with the Fish and Wildlife Service, indicate that the effect of bombing on wildlife is minimal and less than the impacts of natural forces affecting the population. Any losses which may occur as a direct result of the bombing are believed to rapidly be accommodated in the natural life cycle. These same studies have also demonstrated that bombing activities have considerably less impact on wildlife than do other forms of human contact.

In reviewing the documents previously submitted to the Service, including the Environmental Impact Assessment (copy enclosed), it may be that the Navy has not presented sufficient information regarding the urgency of the Navy's use of Kaula Rock or the impacts of our activities on the birds there. Accordingly, I would suggest, that your Service and the Navy do additional studies to confirm on Kaula Rock what we have experienced on other bombing ranges, i.e., that our activities do not significantly affect the indigenous wildlife. To this end we propose the following:

- a. Fish and Wildlife Service grant a two year permit to the Navy for the accidental, incidental taking of birds on Kaula Rock.
- b. During this period, the Navy and Fish and Wildlife Service cooperate in studies to ascertain in more detail the effect of the Navy's activity on Kaula Rock. Such studies would include more detail about the birds that visit Kaula Rock and attempt to arrive at some mitigation factors which the Navy might take to reduce or eliminate any accidental taking of birds if found to be a problem.
- c. Fish and Wildlife Service and the Navy review the entire situation at the end of the two year period.

In view of the critical need for Kaula Rock for national defense purpose, the fact that the Navy, as noted, is using less than 8% of the total island, and that any damage done by bombing is not significant, it is the Navy's opinion that Fish and Wildlife Service can issue a permit, under the above conditions, as "other compelling justification" under 50 C.F. 21.27.

The adoption of the proposal would greatly enhance our common knowledge so that all competing interests can be accommodated to the maximum extent practicable.

Sincerely,

*Mitzi M. Wertheim*

Mitzi M. Wertheim  
Deputy Under Secretary

Enclosure

SPARK M. MATSUNAGA  
HAWAII

WASHINGTON OFFICE:  
362 RUSSELL BUILDING  
WASHINGTON, D.C. 20510

HONOLULU OFFICE:  
3104 PRINCE KUHO BUILDING  
HONOLULU, HAWAII 96850

## United States Senate

WASHINGTON, D.C. 20510

October 27, 1980

CHIEF DEPUTY  
MAJORITY WHIP

CHAIRMAN, SUBCOMMITTEE ON  
TOURISM AND SUGAR  
COMMITTEE ON FINANCE

MEMBER:

COMMITTEE ON ENERGY AND  
NATURAL RESOURCES

COMMITTEE ON  
VETERANS' AFFAIRS

Mr. George Balazs  
992-A Awaawaanoa Pl.  
Honolulu, Hawaii 96825

Dear George:

The Interior Department has furnished me with the enclosed report in response to my recent inquiry concerning the Navy's application for a special purpose permit which would allow the taking of birds on Kaula.

You will be interested to learn that the Department has decided that this matter merits further study. At the present time, the Navy's bombing operations have been suspended.

If you believe that I can be of further assistance, please let me know.

Aloha and best wishes.

Sincerely,



Spark Matsunaga  
U. S. Senator

Enclosure: Ltr. fr. Gary R. Catron, Asst. to the Sec.  
and Dir. of Congressional and Legislative  
Affairs, DOI, dtd. 10/17/80

## NAVY'S USE OF KAULA ISLAND DEEMED "IN CONFLICT"

The Fish and Wildlife Service, by letter on 22 January 1980, denied the U.S. Navy permission to kill nesting seabirds on Kaula Island during bombing activity. This ruling, pursuant to the Migratory Bird Treaty Act, comes less than a year after the Navy agreed to comply with a National Marine Fisheries Service Request to stop the use of live ammunition on Kaula from December through April. This was to avoid adverse impacts on Humpback Whales known to frequent the waters around the island. The FWS letter, from Mr. Jack E. Downs (Special Agent in Charge, Law Enforcement District #2), indicated that the "authority to issue Special Purpose Permits is based upon a sufficient showing of benefit to the migratory bird resource, important research reasons, humane, or other compelling justification." He noted that the proposed bombing "appears to be in direct conflict with these standards." Downs' letter went on to say, "We are unable to reconcile our commitment to protect migratory birds with a proposed activity that has such potential for mass destruction of these birds; specifically an activity for which there is no practical means of accurately assessing the destruction, thus precluding any meaningful limitations as a condition of the permit. The very nature of the activity 'practice bomb' does not lend itself to a disciplined controlled take of birds, nests, or eggs."

It is apparent, however, that the issue of bombing at Kaula is not settled for good. Bombing with inert ordnance will continue while Navy attorneys meet with Interior department officials in Washington to appeal the permit denial. Lt. Jamie Davidson, a Navy spokesman, has been quoted as saying that the Navy will seek the permit on the basis of "compelling justification." He also noted that bombing is restricted to the southern tip of the island where birds do not nest and that field studies at Kaula found no damage to birds. However, it should be noted that it was repeated observations of bombs exploding far from the target area on the southern tip that originally led scientists aboard the research vessel *Easy Rider* to threaten a court injunction to stop the bombing. Also, contrary to Lt. Davidson's quoted remarks, state and federal biologists did document seabird mortality directly attributable to bombing during a March 1979 survey of the island.

One astute observer has asked the question, if the Navy can successfully restrict its ordnance to the small southern target area, as they contend, then why do they have to practice?

The Society has a long history of documented opposition to the continued bombing of this valuable nesting island and is in strong support of the FWS denial of the Special Purpose Permit. The Navy has yet to fully assess the adverse impacts of this activity, or to make the complete results of preliminary surveys available for public review. A Navy EIA, dated 27 December 1976, concluded that there was "no evidence to indicate that military use was adversely affecting bird populations on the island," although it was not mentioned that no surveys prior to that date had been conducted during the peak nesting season of the most abundant bird, the Sooty Tern. The EIA also wrote off a list of potentially viable alternatives apparently with little evaluation. An Environmental Impact Statement has not been prepared and circulated for public review, and the Society feels that the failure to do so is in direct conflict with the National Environmental Policy Act. We will continue to oppose the misuse of this island through efforts in Hawaii and in Washington, with the assistance of the National Audubon Society. Any participation from the membership would be welcomed.



THE NAVY'S TARGET?? Nesting seabirds have been killed by "practice" bombs on Kaula Island.

July 8, 1980

Honorable Mitzi M. Wertheim  
Deputy Under Secretary  
Department of the Navy

Dear Ms. Wertheim:

Thank you for your letter of April 30 concerning the importance of using Kaula Rock as a bombing target. We especially appreciate your invitation to cooperate in scientific studies aimed at evaluating the effects of this activity on Kaula wildlife.

Little scientific information is available concerning the species and numbers of birds actually lost as a result of bombing Kaula. Without detailed knowledge we can only speculate on the biological impacts of the Navy's bombing program on Kaula Island. We don't know whether military objectives can be achieved in such a way that bird losses are minimized or avoided, or whether opportunities exist to mitigate unavoidable losses. These questions can be answered through research and I'm glad the Navy is proposing to become involved in such studies.

To aid in this process, the Service is willing to provide guidance on the kind of research that is needed. We envision a detailed field program conducted by a wildlife biologist or perhaps a graduate-level student working toward an advanced degree. Our respective staffs can work out the details of a plan for carrying out a field study and evaluating results. Service research funds are committed through the next fiscal year, but we will be happy to assist in designing a study and locating a scientist capable of doing the work under contract.

With an acceptable research project in hand and funding arranged by the Navy, the Service will issue a Special Purpose Permit for the term of a study up to two years in length. Such a permit would be consistent with the scientific research exceptions of this country's migratory bird treaties. At the conclusion of this study, the results will be analyzed and a determination made whether a permit can be issued to allow continuation of the Navy's present practices, and if so, under what terms and conditions. The Service would determine at that time what mitigation measures may be necessary to ameliorate the impact of continued bombing on Kaula Island.

We believe this arrangement will be in the best interest of both national defense and the conservation of migratory birds as directed by Congress. Again, thank you for your letter.

Sincerely yours,

Lynn A. Greenwalt  
Director

letters

# Wildlife

## Kaula Rock & Kahoolawe

I would never have believed it possible, but according to authorities with our State Fish and Game and Federal Fish and Wildlife Service, exploding bombs and nesting sea birds can coexist just fine out at tiny Kaula Rock (Advertiser, 5/28).

This is indeed really good news, because many of us thought that bombs killed and maimed most living things. If a delicate creature like a nesting bird can thrive among such explosions, then I can see no reason why Hawaii's people should be prevented from using the far larger island of Kahoolawe in conjunction with practice bombing at that location.

DALE KAWAMOTO



# United States Department of the Interior

ADDRESS ONLY THE DIRECTOR,  
FISH AND WILDLIFE SERVICE

FISH AND WILDLIFE SERVICE  
WASHINGTON, D.C. 20240

NOV 18 1980

In Reply Refer To:  
FWS/MBMO

Mr. George H. Balazs  
992-A Awaawaanoa Place  
Honolulu, HI 96825

Dear Mr. Balazs:

This concerns your November 1 letter requesting a more detailed response to the five questions posed in your September 20 letter.

Your first question concerned our rationale for reconsidering a regional action. At the Navy's request, we reviewed the decision not to grant a special purpose permit authorizing the routine take of migratory birds incidental to practice bombing at Kaula Island. We concluded that insufficient evidence was in hand to make a decision that considered both our nation's defense needs and the migratory bird resource. The Navy believes that the use of Kaula Island for practice bombing is essential to the maintenance of military preparedness. If you desire clarification of this point, you may wish to contact the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350.

The Navy's Environmental Impact Assessment accompanying the initial permit application shed little light on the significance of bird losses associated with practice bombing at Kaula Island. In the absence of this information, we offered to assist the Navy in designing a research program to gather the kind of data that would be useful in making a decision whether to issue a permit. The Navy accepted the offer and subsequently contracted the services of Dr. Ralph Schrieber of the Los Angeles County Museum to conduct a 2-year research program at Kaula Island. The information resulting from this study will be used by the Navy to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) on their activities at Kaula Island. Our decision whether to issue a permit to the Navy authorizing the routine incidental take of migratory birds will be influenced by the results of Dr. Schrieber's research and the consideration of the Navy's EA or EIS.

Your second question concerned whether it was necessary that a permit be obtained first from the State of Hawaii before a Federal permit may be issued. There are no constraints on the Service whether to issue a permit before or after a State permit is obtained. We expect those conducting activities that require permits to adhere to both State and Federal regulations.

Your third question concerned the need for the Navy to prepare an EA or EIS on their practice bombing activities at Kaula Island. In our opinion such a statement is necessary. We are cooperating with the Navy to gather the scientific information needed to prepare such a statement. Issuing a special purpose permit to conduct this research is believed exempt from National Environmental Policy Act requirements, but the question is still being reviewed by our solicitors.

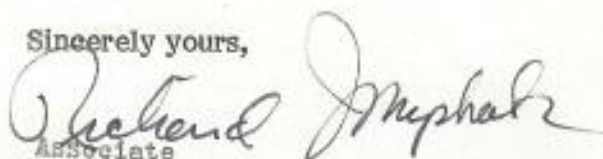


Your fourth question concerned whether the "full potential" of Kaula Island could be realized if practice bombing continued. Kaula Island has been under Navy jurisdiction since 1965 and used for practice bombing for about twenty years. It is not part of the national wildlife refuge system. Its designation in 1978 as part of a State seabird sanctuary was made in light of its ownership and the Navy's activities there. Our concern now is what impact the continuation of practice bombing would have on avian species currently using the island. This can only be assessed if practice bombing is continued.

Your last question concerned how practice bombing of one island might affect the preservation of habitats on adjacent islands. Leaving aside the question of national defense, I find no linkage between our interest in having research conducted at Kaula Island and management of the Hawaiian Islands National Wildlife Refuge. Military installations and wildlife refuges coexist in many parts of the nation.

Competition exists between man and wildlife for use of the land; our task is to balance legitimate wildlife conservation needs with the other equally legitimate needs of our society. Thank you for expressing your concern.

Sincerely yours,

  
Associate  
Director



# National Audubon Society

Western Regional Office

555 AUDUBON PLACE, SACRAMENTO, CALIFORNIA 95825 (916) 481-5332

16 December 1980

Mr. George H. Balazs  
992-A Awaawaanoa Place  
Honolulu, HI 96825

Dear Mr. Balazs:

Mrs. Ross has passed along your letter regarding the Kaula problem to me for reply. Paul Howard did not have an opportunity to speak with Mr. Greenwalt about Kaula prior to his resignation. The change in Washington, D.C. to a Republican administration will probably also mean Mr. Greenwalt's replacement in the near future. Once his successor is chosen, it would be opportune to bring this matter to his attention. I know that Dr. Elvis Stahr in our Washington, D.C. office is personally interested in this issue, as I am.

I would appreciate it if you could keep me up-to-date on the Kaula situation.

Sincerely,

*Dick*

RICHARD MARTYR  
Representative

RM/sl  
cc: Mr. Rob Shallenberger

2 January 1981  
992-A Awaawaanoa Place  
Honolulu, HI 96825

Mr. George Laycock  
Field Editor  
AUDUBON Magazine  
950 Third Avenue  
New York, N.Y. 10022

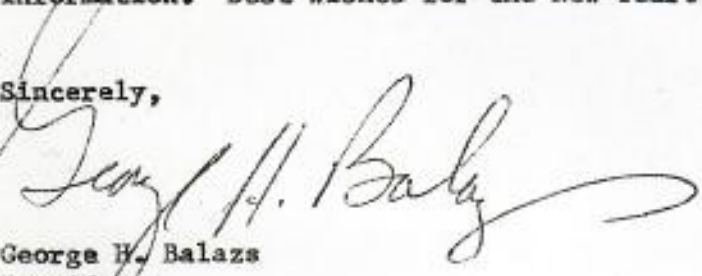
Dear Mr. Laycock:

The article that you wrote on the Culebra National Wildlife Refuge was an excellent commentary on a dismal situation. Here in Hawaii we have an equally depressing predicament with the Fish and Wildlife Service and the Navy. As you may know, the island in the "hotspot" is named Kaula. It is a seabird breeding site, a Hawaii State seabird sanctuary, and an aerial practice bombing target for the Navy. I have enclosed some current literature on this subject with the hope that you will want to make your own investigative inquiries, and possibly prepare an article for Audubon Magazine. I do not know if this will be possible, but nevertheless I am striving to bring the problem to the attention of as many environmentally concerned and influential people as possible (such as yourself).

During late November, I sent similar material on the Kaula situation to Mr. Robert Cahn, Audubon's Washington Editor. However, no response has thus far been received.

Please do not hesitate to contact me if you would like to receive any additional information. Best wishes for the New Year.

Sincerely,



George H. Balazs  
President  
Hawaii Audubon Society

Telephone 808-395-6409 home; 247-6631 or 946-2181 work

November 26, 1980  
992-A Awaawaanoa Place  
Honolulu, HI 96825

The Honorable Cec Heftel  
322 Cannon House Office Building  
Washington, D.C. 20515

Dear Representative Heftel:

Thank you for your correspondence of November 14th which included a copy of a letter from a Vice Admiral Cowhill concerning the Navy's practice bombing at Kaula islet. I am sorry to say that Vice Admiral Cowhill appears to have misunderstood my letter to Director Greenwalt of the Fish and Wildlife Service, in that he states that I object to the Fish and Wildlife Service cooperating with the Navy in a study of seabirds. This is simply not the case. My letter to Director Greenwalt expressed serious concern and raised fundamental legal and biological questions about the conduction of a study that involved the continued bombing of the island. I would fully endorse any well designed study of seabirds at Kaula, but only in the absence of bombing activity.

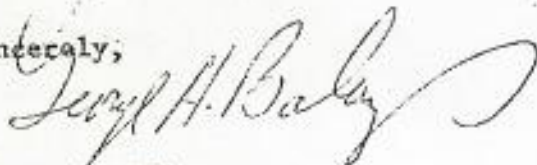
One of the important purposes of preparing an Environmental Impact Statement (under the National Environmental Policy Act) for practice bombing at Kaula would be for the Navy to fully substantiate their sometimes stated contention that the island is absolutely necessary for training purposes, and that no alternate sites exist where the same training objectives can be achieved without being in conflict with federal law (ie the Migratory Bird Treaty Act). This is exactly the reason why the preparation of an Environmental Impact Statement should be required now, instead of two or more years from now as has been proposed by the Navy and the Fish and Wildlife Service.

I look forward to receiving the "summary of events" leading up to the present situation on Kaula that you mentioned in you letter. This will indeed be a valuable document. As you may know, a number of conservation organizations, both in Hawaii and on the mainland, are concerned about this issue and are trying to closely monitor the Navy and Fish and Wildlife Service actions. Many of us feel that seabird breeding sites are just not the best place for the Navy to be conducting practice bombing- particularly when there is some serious question as to the exact need for this bombing in our defense readiness. I hope that you share this same view.

It is my understanding that Dr. Schreiber previously served as a private consultant to the Navy in relation to conflicts of practice bombing at Vieques Island in Puerto Rico. If this is correct, it would seem to be a relevant point. Perhaps it would be worthwhile to obtain copies of any reports and recommendations on the Vieques bombing site that were prepared for the Navy. Can you make an inquiry into this subject through the appropriate channels?

Again, thank you for your continuing assistance, and concern for Hawaii's seabirds and other wildlife.

Sincerely,



George H. Balazs

enclosures

# BATTLEGROUND

## An Island Adrift

GEORGE LAYCOCK

*The gist of this story is that high-ups in the U.S. Fish and Wildlife Service want to give away a fine little island that has been a refuge since 1909, and they ought to be ashamed of themselves.*

OUT OF SAN JUAN, the commuter plane flies eastward along the northern shore of Puerto Rico's main island, then crosses seventeen miles of blue Caribbean water to a cluster of small, embattled islands. Since 1909, all or parts of two dozen islands that are big enough to bear names, as well as countless unnamed islets and rocks, have been in the National Wildlife Refuge System. Largest of the islands, and the only inhabited one, is Culebra, population 2,000.

Culebra National Wildlife Refuge contains 702 island acres within a ten-by-fifteen-mile rectangle of ocean—an expanse heavily used by seabirds, sea turtles, fish, and other Caribbean creatures. For most of the past seven decades, these islands were paid less attention than almost any of our other refuge lands and waters. Only the U.S. Navy seemed to care about them, and its care wasn't mainstream wildlife management.

Flying into Culebra, you can watch small herds of multicolored cattle wander its overgrazed slopes among rusted and ruined army tanks. Until 1975, when the Navy was forced out under local, conservationist, and congressional pressure, the people and wildlife of Culebra had to share their

island with a naval target and gunnery range.

Unfortunately, controversy didn't leave Culebra with the Navy. The departure of the military opened up the whole question of the ownership, use, and management of the area's islands. The present controversy is centered not on Culebra itself but on 262-acre Culebrita, a mile distant.

Culebrita has been part, and an important part, of the wildlife refuge since it was established seventy-one years ago. Now the U.S. Fish and Wildlife Service wants to get rid of the little island and let it be developed for recreation and tourism, uses that could bring the crowds that have ignored the islands of the Culebra group throughout history.

Although historians believe Christopher Columbus noticed Culebra during his second voyage in 1493, the earliest settlers did not arrive until about 200 years later, and they were Indians fleeing the Spanish who had settled on Puerto Rico. At the beginning of this century, Culebra was home to 700 people, a population that grew only after the Navy left.

All the islands of Puerto Rico were ceded to the United States at the end of the Spanish-American War in 1898. The treaty specified that lands in private ownership would remain so, and that lands held by the Spanish Crown would become part of the federal public domain, to be used by the United States for what is known in bureaucratic parlance as "the highest and best

use." (Like freedom, brotherhood, and equality, this is a concept universally venerated in principle but seldom agreed upon in particular.)

The U.S. Navy wanted the Culebra area for its own "highest and best use," and in 1903 President Theodore Roosevelt signed an Executive Order granting the Navy its wish. Eight years later, in an early trial of the multiple-use principle in land management, Roosevelt ordered that the Navy lands and islands serve a secondary purpose as a "preserve and breeding ground" for the native seabirds that were so abundant there. In 1936, the Navy began bombing and strafing Culebra and some of its neighboring islands. To this day, Culebra's Flamenco Peninsula—a tern nesting area—is too hazardous to explore on foot because of unexploded ordnance.

In 1971 the Senate Committee on Interior and Insular Affairs ordered the Secretary of the Interior, through the Fish and Wildlife Service and the Bureau of Outdoor Recreation, to develop a plan of disposition for the lands that were to be made surplus by the Navy. Two years later, the study group issued a joint report with the Commonwealth of Puerto Rico which proposed to swap certain refuge and commonwealth lands.

On the plus side of the ledger, it was proposed that 776 acres of Culebra that lay outside the refuge—an acreage that includes the only known habitat of the extremely rare giant anole lizard—be added to the wildlife refuge.

On the minus side, one of the several options outlined for disposing of refuge lands (and, incredibly, the one identified by the Fish and Wildlife Service as its "preferred alternative") calls for the whole refuge island of Culebrita to be deeded to the commonwealth so that the island "could be developed recreationally."

The joint report was "in no way a law," said a biologist in the Fish and Wildlife Service area office in Jacksonville, Florida. "It was just a report issued at the instruction of a Senate committee, and the committee never acted on the report." The service, however, has treated it as an ironclad directive and tried to speed the transfer of the



The bombed-out wreck of a tank on Culebra National Wildlife Refuge.

GEORGE LAYCOCK

island out of the refuge system. Such an action, many feel, could destroy Culebrita's beauty and its value as a haven for rare animals and birds. The island is heavily covered with vegetation—bromeliads, the gnarled red branches of gumbo-limbo, and the pure white flowers of the *Aleall*, one of the frangipani. The dense jungles of mangrove in the tidal basins are nurseries for marine creatures, and cliffs along the island's eastern shore have been home to the red-billed tropicbird. Young "chicken" turtles swim over Culebrita's thick pastures of turtle grass, and night herons and doves fly over its mangroves.

No one I spoke to was willing to take credit for the proposal to wrench this land from the refuge system. But one Fish and Wildlife biologist who worked on the joint report recalled, "The group was sharply divided. The commonwealth held out for Culebrita almost as a point of honor. The study went through several drafts. We were close to the deadline. Some of us wanted to file a minority opinion. Finally, an administrative assistant out of the office of the Secretary of the Interior was directed to rewrite the study in final form, and that was when Culebrita got on the list of lands to be handed over to Puerto Rico. It was strictly political, and I had the feeling we were dealing with Puerto Rico as delicately as if it were a foreign government."

Of numerous employees of the Fish and Wildlife Service interviewed about Culebrita, only Regional Director Kenneth E. Black in Atlanta has argued for dropping the island from the refuge system. "I've been directed by the Secretary to implement the joint report," Black said, "and as I look at it, I have no choice. I'll not recommend any changes."

**E**VEN RESIDENTS of Culebrita admit they don't need Culebrita. They say that they already have better beaches, and, most of all, they want the islands to stay the same. Residents have misgivings about the "limited improvements" that would be permitted on Culebrita under the proposed change. "The biggest enemies of the wildlife," a Culebrita citizen told me "would be the people sent there to protect it."

But Puerto Rican officials see things differently. If Culebrita remains in the refuge system, said the special assistant to the governor, "You can be sure we

will protest. It's a question of who's managing it. Puerto Rico has been walked on for too long. Why should a handful of bureaucrats up there tell us how? It's a matter of pride with us."

Some Puerto Ricans argue that the Fish and Wildlife Service never paid much attention to the Culebrita refuge anyway. And they have a point. Not until recently did anyone bother to erect bilingual flying goose signs on the bird islands or try to stop the eggers who rob seabird and turtle nests. This picture changed somewhat with the occasional visits of Ricardo Cotte, a botanist and federal game agent assigned to Puerto Rico in 1962. Cotte knew that he would not have an easy time stopping the poaching, and he gave lectures and wrote articles explaining why it is important to leave eggs alone.

Although the people have come to understand Cotte's message, they have lost none of their longing for the eggs of the "booby," a local misnomer for the sooty tern. On a recent visit to Culebrita, Cotte was stopped by a resident with a special request. "He wanted me to write him a letter authorizing him to take a dozen eggs for his sick mother," Cotte recounted. "Hell, everybody knows he's an orphan."

Tom Carr, a biologist who spent three summers in the area, found that turtle eggs are equally valued, both as a source of protein and as an aphrodisiac. Carr found four species of rare and endangered turtles on and around Culebrita: hawksbill, green, leatherback, and loggerhead, all of which have been forced from one Caribbean beach to another by poachers and developers.

If the joint report had been implemented expeditiously, the turtles might already have abandoned Culebrita as well. But after the report was issued, Congress passed laws that have blocked the giveaway—so far. The Endangered Species Act of 1973, passed a few months after the joint report, restricts actions that might threaten endangered wildlife, so those sea turtles presented the Fish and Wildlife Service with a dilemma. Its solution was a list of deed restrictions specifying how Puerto Rico must manage Culebrita's wildlife once the island is out of the refuge system. The restrictions deal with times the beaches can be used for recreation, control of lights that might confuse sea turtles seeking their nesting areas, and activities of divers, boaters, and campers. The commonwealth would have to patrol beaches during nesting seasons and prevent anyone from bringing animals or vehicles onto Cule-

brita. If it did not, say the restrictions, the island would revert to the federal government.

Some think the Fish and Wildlife Service's plan does not meet the legal requirements of the Endangered Species Act, and two other weaknesses in the deed restrictions have been pointed out. First, the damage justifying Culebrita's return to the federal government might already have been done by the time the island could be reclaimed. Second, no federal worker with whom I spoke believed that the federal government would ever take land back once it was handed over to the commonwealth. "At that point," one biologist told me, "it would be gone for good, and to think otherwise you would have to believe in the Easter Bunny."

Another congressional action threatening to stall the transfer of Culebrita is an amendment to the 1976 Game Range Act that prohibits transferring lands out of the National Wildlife Refuge System without congressional approval. To get around this roadblock, the Fish and Wildlife Service has drafted legislation that would permit the transfer of Culebrita to the commonwealth.

Conservationists will be able to make their views known when Congress considers this legislation. In any case, before Culebrita can be given away, an environmental impact statement must be completed.

One frequently suggested alternative to the transfer might satisfy both sides. It would have the Fish and Wildlife Service hang on to Culebrita and contract with Puerto Rico for any recreational development the island could absorb safely.

As I board the commuter plane once again, bound for Puerto Rico's main island, the pilot offers to show me Culebrita from the air. Looking down on the mangrove-rimmed coves, the beaches where the turtles nest, and the wooded hills of this longtime refuge island, I wonder what John Clark Salyer would have said.

Salyer's portrait still hangs in some refuge headquarters around the country, where workers with long service recall vividly this salty, iron-willed leader of the refuge system. He did battle with generals and fellow bureaucrats, fighting for the refuges inch by inch. "Everybody always had his eye out for a piece of the refuges," he once told me. "You had to learn how to say 'no.'" That, it seems, is something the present crop of bureaucrats has yet to learn. ☺

12-17-80

George -

Have tried several times to phone you but you've either been on another line or just weren't there.

First of all thanks much for the Calendar. You're really getting some super photos of wildlife in that part of the world. Maybe you ought to think about putting a slick-backed (hard back) book together.

Regarding Kaula Rock - you're getting stonewalled from every corner. This is the way the bureaucracy operates whether it is County, State or Federal. The ~~or~~ only way it can be effectively broken is by lawsuit. Court system. Sad to say letters from individuals or conservation groups really doesn't cut it anymore.

I talked to Rob Challenberger at the Pacific Seabird Group

Meeting at Tucson in November. I really believe that Rob deeply cares about what happens at Kaula and is trying to the best of his ability to effect the Navy's removal but he's operating in a most difficult world. If left alone (from the Area Admin.) he might be able to work it out, especially with Portland Law Enforcement behind him. But with Greenwalt giving in the only real meaningful action left is the courts.

Wish I could be of more help but we all have seen so many things come down to this.

Best regards,

Palmer



15 Dec 1980

Dear George,

I am sorry for not answering your letter sooner. I have been away from home for a short trips.

The documents you sent are very interesting. I have to agree with Adm. Waller, that predators <sup>(not natural as he states)</sup> appear to kill more birds than do military bombs, but that is not the point as far as I am concerned.

First, it seems to me that if they kill one bird they violate the migratory bird Treaty act, unless they have a permit (which I think was not granted). Second, and more important in my opinion, is the probably affect of bombing on reproductive success, exclusion of birds from the target area, and general habitat destruction.

The whole argument against bombing seems philosophical to me. I don't see how it could be stopped based on damage to "populations" of any of the species at Kauai. If all the Sooty Terns were weeded out, it would have <sup>almost</sup> no affect on the Hawaiian population, much less the world population. My feeling is that we can not accept the (over)

determined. Also the only in a...  
colonies nearly could the affect be  
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an even definition of comparable. Birds  
So bombing comparable? Depends

is to, near seabirds.  
their "highly, low, and intended" use  
are deserving of protection because  
recognition that these unique habitats  
colonies for bombing ranges. As the  
and because it is wrong to use seabird  
migratory birds (even 1) with bombs,  
bombing because it is illegal to kill

## KAULA ROCK

Regional Fish and Wildlife denied permit to Navy. Navy took it to federal level. Permit granted on condition that the Navy must fund a 2-year study on effects of bombing. (of course, the only good way to determine effects is to stop the bombs over several years and observe the changes that occur.) So far, the Navy has not funded the research and permit has not been granted. Pressure should be put on Lynn A. Greenwalt, Director of U. S. Fish and Wildlife (Washington, D. C. 20240).

Mr. Greenwalt should be made to understand how bombing an island adversely effects the wildlife, i.e. birds, turtles, dolphins, whales, etc. and thus is in direct opposition to the fundamental principles of the Fish and Wildlife Department. He should also be aware that the Navy has not shown a particular need for this bombing site nor any justification for bombing Kaula Rock.

October 25, 1980  
992-A Awaawaanoa Place  
Honolulu, HI 96825


Mr. Susumu Ono  
Department of Land & Natural Resources  
1151 Punchbowl Street  
Honolulu, HI 96813

Dear Mr. Ono:

As you will read in the attached copied letter, I still have not received a response from Director Greenwalt of the Fish and Wildlife Service concerning my inquiry of September 20th on practice bombing at Kaula islet. You will recall that in this letter I raised five basic questions, one of which had to do with the need for the Navy to first obtain a permit from the State of Hawaii before the Fish and Wildlife Service can legally issue a Federal permit under the Migratory Bird Treaty Act. As this case progresses, it will be essential for interested parties here in Hawaii to know the official position of the Department of Land and Natural Resources in this important matter. In view of the fact that I am working in close association with the Hawaii Audubon Society on the Kaula case, I would greatly appreciate learning of your views at this time. Will DLNR issue a State permit for the Navy to kill and disturb seabirds at Kaula in conjunction with practice bombing? Does the Hawaii Revised Statutes allow the issuance of a permit for such purposes? Does DLNR plan to maintain its commendable position that Kaula is a part of the State Seabird Sanctuary System under Regulation 7?

Thank you for your assistance in these matters. I look forward to hearing from you in the near future, as your busy schedule permits.

Sincerely,



George H. Balazs

enclosures

cc BOD, Hawaii Audubon Society

October 23, 1980  
992-A Awaawanoa Place  
Honolulu, Hawaii 96825

Mr. Lynn A. Greenwalt  
Director  
U.S. Fish and Wildlife Service  
Washington, D.C. 20240

Dear Mr. Greenwalt:

Over a month has now passed since I mailed you the attached letter of inquiry concerning your role in the Navy's practice bombing at our Hawaiian seabird nesting site of Kaula islet. I have not yet received your response to the five important questions set forth in this letter, therefore I would like to know 1) if you did indeed receive this letter, and 2) when I can reasonably expect a response from you in this matter.

Thank you for your assistance.

Sincerely,

  
George A. Balazs

## LETTERS to the Editor

### **Bombing Kaula**

It has come to our attention that Lynn Greenwalt, director of the U.S. Fish and Wildlife Service, intends to grant the Navy a two year special permit to resume the dropping of live ordnance on Kaula Island.

As an organization dedicated to the preservation of the earth's life-forms and the habitats they depend upon, Greenpeace Hawaii must take exception to this incredible course of action.

In his letter to the Navy, Greenwalt said that "little scientific information is available concerning the species and numbers of birds actually lost as a result of bombing Kaula." He said that such information can only be obtained through research, and that if the Navy would fund such a project, a special permit, to bomb Kaula for up to two years would be issued.

The Navy first started bombing Kaula in 1952. During the last 28 years several scientific studies have been conducted there. It seems to us that Greenwalt is missing the point.

It might better serve the purposes of science to completely halt the bombing and study just what the potential of Kaula is to support life without the deteriorating effects of large bombs going off, chemicals and silt being released into the water, and gases into the air.

The vicinity of Kaula is known to support a myriad of life, including whales, dolphins, fish, sea turtles and numerous bird species. The Navy has stated that it needs Kaula for purposes of national security, but has not proven its claim.

To allow the Navy to resume the bombing of what is supposed to be a protected bird sanctuary is, to our way of thinking, a terrible mistake.

We hope that the Fish and Wildlife Service and the State of Hawaii will take steps to correct it.

*Keith Krueger*  
Greenpeace Hawaii

## Federal Permit Denial Reversed

# Kaula Rock Bombing Study

By Helen Altom  
Star-Bulletin Writer

U.S. Fish and Wildlife Service Director Lynn Greenwalt has authorized a two-year study of military bombing effects on Kaula Rock, apparently overturning action taken by the agency's Portland, Ore., office to halt bombings of the seabird sanctuary.

Greenwalt's decision on the controversial issue was not formally announced but was disclosed in correspondence with the Navy obtained by the Star-Bulletin.

Ralph Schrieber of the Los Angeles County Natural History Museum, past president of the Pacific Seabird Group, is expected to arrive Monday to begin the Kaula research program under a contract with the Navy.

And the Navy, which has been using inert ordinance in its training missions, will resume use of live ammunition in May, after the annual migration of humpback whales to this area.

THE FISH AND Wildlife Service's

Regional Office in Portland last January denied a special use permit requested by the Navy to allow "accidental" destruction of birds, eggs or nests in Kaula bombing missions, saying:

"We are unable to reconcile our commitment to protect migratory birds with a proposed activity that has such a potential for mass destruction of these birds."

The Portland office's action followed complaints filed by Hawaii scientists in 1978 against the practice bombing operations under the Migratory Bird Species Act, the Marine Mammal Protection Act and the Endangered Species Act.

Kaula Rock, about 20 miles southwest of Niihau, is the nesting area for thousands of seabirds and is part of a state seabird sanctuary system.

Both the Navy and Marines use the southern end of the Island as a bombing target. They have not applied for a conservation district use permit for the activities because of a state-federal dispute over the ownership of the Island.

THE NAVY appealed to Greenwalt

to reverse the federal permit denial under a clause in the Migratory Bird Species Act allowing "compelling justification."

Navy Deputy Undersecretary Mitzi M. Wertheim requested a two-year permit for the "accidental and incidental taking of birds" on Kaula and proposed a detailed study of the bombing effects on the wildlife during that period.

Wertheim said in a letter to Greenwalt that "there is no alternative to Kaula Rock to maintain the level of proficiency mandated by the National Defense posture."

He said Kaula "is only target available for the delivery of multiple bombs on a single run" and is also essential for pilot training in hitting a "point target."

He said birds covered under the Migratory Bird Treaty Act "may be accidentally and incidentally taken" by using Kaula Rock as a bombing range. But he said studies of other bombing ranges have shown minimal effects on wildlife.

"Any losses which may occur as a direct result of the bombing are believed to rapidly be accommodated

# Okayed

## Two-Year Kaula Rock Bombing Study Okayed

in the natural life cycle," Wertheim said.

RESPONDING TO Wertheim in a letter July 8, Greenwalt said:

"Without detailed knowledge, we can only speculate on the biological impacts of the Navy's bombing program on Kaula Island.

"We don't know whether military objectives can be achieved in such a way that bird losses are minimized or avoided, or whether opportunities exist in such a way to mitigate unavoidable losses."

As a result, he said the service will issue a special use permit for a detailed two-year field study of Kaula, with expenses to be paid by the Navy.

After analyzing the results, Greenwalt said, a decision will be made "on whether a permit can be issued to allow continuation of the Navy's present practices, and if so, under what terms and conditions."

"The service would determine at that time what mitigation measures may be necessary to ameliorate the

Continued from Page One

impact of continued bombing on Kaula Island," he said, adding:

"We believe this arrangement will be in the best interest of both national defense and the conservation of migratory birds as directed by Congress."

LT. JAIME DAVIDSON, Navy spokesman on Kaula and Kahoolawe matters, confirmed that the Navy has received permission to conduct the study.

"I don't know how it works in the Interior Department — whether it's an overturning or overruling" of the Portland office's decision, Davidson said.

"But they have agreed to a study before termination of the permit is made on a national level."

Davidson said Schrieber will visit Kaula Monday and Tuesday, accompanied by state and federal scientists in Hawaii who have been going to the Island once a year to monitor the bird populations.

He will use some time-lapse

cameras and videocamera equipment to record what actually happens during the training missions, Davidson said.

The Navy has been using inert ordnance, pending the Fish and Wildlife Service decision on use of the bombing target, and also to protect whales migrating here from December through April.

DAVIDSON SAID the training flights will continue to use dummy ammunition until May when "they will go back to the real thing, because that's actually what we're measuring."

Although Hawaii scientists have been studying Kaula's seabird colonies, Davidson said, "The problem is that our studies have been annual, and according to Dr. Schrieber's proposal, the migration and influx of birds is seasonal."

He will make periodic trips to the Island, once a month for about six months and then about every six weeks, for a detailed look at the seabird cycles and effects of the bombings over two years, Davidson said.

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