



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Fisheries Center Honolulu Laboratory
2570 Dole St. • Honolulu, Hawaii 96822-2396

February 12, 1987

F/SWC2

MEMORANDUM FOR: F/SWR1 - Doyle E. Gates
FROM: F/SWC2, *William S. Schmitt*
Richard S. Shomura
SUBJECT: Comments on Tern Island Biological Opinion

Thank you for the opportunity to comment on the draft Biological Opinion on the FWS plan to significantly reduce its presence and destroy certain facilities at Tern Island.

We agree with your "jeopardy" opinion and believe our comments will help strengthen your arguments. Bill Gilmartin and George Balazs have made comments on the attached draft. Many of these are editorial in nature. Questions and comments of more significance follow:

1. The paragraph ending at the top of page 4 should state that there has been a dramatic change in seal use of Tern I. since the Coast Guard left the island. Occasional sightings of one to a few seals on the beach have changed to a mean daily count of near 100 seals, a peak count of over 180. This has been a result of the restrictions on beach access enforced by Tern I. FWS personnel.
2. The majority of turtle nesting activity is at East and Whale-Skate Islands (page 7), however, it seems appropriate to the Opinion to add that nesting activity on Tern I. appears to have increased in recent years.
3. Add to the discussion on basking activity on page 8 that there has been an increase in turtle basking activity on Tern I. (Sheeky, in Elepaio). Like Nos. 1 and 2 above, the activity follows FWS enforcement of beach access restrictions on Tern I.
4. Turtle "critical habitat" has been proposed for land areas at FFS by the FWS, published in the Federal Register, but never acted on. Correct the statement on page 9 which states it has not been proposed.
5. At the bottom of page 9 a discussion begins on the economics of the proposed reduction in Tern I. operations, is this appropriate for a "biological opinion"?
6. If the costs of maintaining the facilities is allowed in this economic discussion, then shouldn't the offer of free labor and equipment by the Navy Construction Battalion be mentioned at the top of page 10 to keep things in proper perspective. This was mentioned by Dick Wass at the recent Turtle Recovery Team meeting.



7. The very recently approved Refuge Master Plan should be more fully addressed in the first full paragraph on page 10, especially the "key" role that Tern I. and the runway were to play in the Plan. We find it surprising that the Master Plan is not even listed as a reference document in this Opinion.
8. The last sentence on page 10, ending on page 11, indicates that certain equipment and other items "not worth returning to Honolulu" will be buried against the seawall. While this has occurred in the past, it should be stopped immediately. The seawall is breaking up, as everyone agrees, and this trash can trap and kill seals and turtles. A seal pup was found dead at East I. last summer, probably the result of drowning, entangled in telephone cable left by the Coast Guard at East I. We suggest this makes this trash worth returning to Honolulu.
9. The NMFS Honolulu Laboratory biologists have not worked on a plan with the FWS to arrange continuous occupation of Tern I. for 10 months (page 11). In fact, with our year-to-year, add-on funding uncertainties we cannot predict whether we will be able to get one biologist to FFS in 1988 for any length of time for population monitoring or other research. There is also the implication here that the "biologists" presence will allow "enforcement of limited entry." The NMFS biologists will not be FWS enforcement agents!
10. On page 12, line 3, the draft Opinion states that Option 1 "would maximize recovery efforts." If you mean this to be the best of the three options, then rewrite the statement. We believe none of these options will "maximize" seal or turtle recovery efforts at FFS.
11. Also on page 12, you mention the "Biological objectives of the Master Plan relating to Tern Island would be met under this option." Are these objectives met if a seal or turtle becomes trapped in the seawall in December or January?
12. The last paragraph on page 12 is confusing. Your term "recovery efforts" should be defined to better follow this discussion. When NMFS biologists are at FFS, Tern I. will be "monitored" at least as frequently by census as it is now monitored by FWS, every four days.
13. Within the section "Assessment of Impacts" you should mention that peak seal hauling on Tern I. occurs during the winter months, therefore, a higher probability of entrapment during those months. Also, loss of the runway will hinder or preclude access to FFS at certain times which will hinder or preclude implementation of both monk seal and turtle recovery work.

14. Disposal of "trash" on Tern I. is mentioned again on page 17. The draft Sea Turtle Recovery Plan states that all buried rubbish on Tern I. should be removed for the long-term safety of turtles. While not mentioned in the seal recovery plan, this action would certainly be in their best interest also. Obviously, no more trash should be buried on the island.

15. "Conclusions": Add turtles to the jeopardy opinion. The loss of enforcement presence and potential for seawall entrapment affect both species similarly if adult turtles are lost.

16. "Reasonable and Prudent Alternatives", item 2: Add to the last sentence "... of listed species, in accordance with the recently approved Master Plan for operation of the Refuge."

Would you please send us a copy of the draft opinion you forward to the Region and a copy of the final version that will be sent to the FWS.