

KAOLA - LEWA - EDM - MIDWAY
G. H. BALAZS FILE

Tinian Military Lease Signed

By Frank S. Rosario
Gannett News Service

SAIPAN — Representatives of the Navy and the Commonwealth of Saipan have signed the \$33 million Tinian land-lease agreement, giving the military control of 17,069 acres on Tinian, 117 acres in Tanapag Harbor and the island of Farallon de Medinilla for 50 years.

Rear Adm. Bruce Demars and Gov. Pete P. Tenorio put their signatures to the agreement during a mid-morning ceremony Thursday at Mount Carmel auditorium.

Immediately afterward, Demars handed Tenorio a \$26 million check. The rest of the money is to be held in escrow for payment to private landowners.

Just hours before the signing ceremony, Tenorio had signed a bill giving the United States the

right to construct "reasonable port facilities" on Tinian. The commonwealth retains the right to control the living and non-living resources in the water immediately adjacent to the leased surface lands.

THE LEASE states that waters around Tinian must remain open to fishermen except during military exercises. But public access to Farallon de Medinilla and waters around it are permanently closed.

The Micronesian Development Co. on Tinian, owned by Guam businessman Ken Jones, will continue to operate under the lease.

During a press conference on Guam, Demars said the Navy will lease back 12,500 acres on Tinian to the commonwealth until it is needed by the military. Agricultural development can continue on that land.

The Navy will not permit devel-

opment on the 5,300 acres it retains, he said.

He also said the Navy plans one Seabee exercise every eight months and three to four Marine exercises annually — about the same as the current level of activity.

The Navy has been using the land until now on short-term leases.

Guam Oil Contract

WASHINGTON (AP) — The Defense Logistics Agency has announced award of a \$334.1 million contract to Guam Oil and Refining Company for 221 million gallons of jet fuel and 104.8 million gallons of marine diesel fuel.

The announcement said the five-year contract will be carried out in Agana, Guam.

A Lease for Tinian

After years of delay, a lease giving the Navy control of about two-thirds of Tinian Island plus a smaller, uninhabited island used for bombing practice was signed last week with the Commonwealth of the Northern Mariana Islands.

An option to lease 17,000 acres on Tinian for 50 years, renewable for another 50, was part of the 1975 agreement under which the Northern Marianas became a U.S. commonwealth. The option was to expire this month. Last October Congress finally appropriated \$33 million for the agreement.

Although the Pentagon had plans to build a multi-service base on Tinian, nothing has been heard about that in recent years. The Navy will lease back 12,500 acres on Tinian to the commonwealth for agricultural purposes until it is needed by the military. The area retained will be used for Seabee and Marine exercises, as it has been.

Washington's intent now seems to be simply to reserve the land in case a site for a base is needed due to a fallback from positions in Japan or the Philippines or other contingencies.

So Tinian, which was the base for the nuclear attacks on Hiroshima and Nagasaki, may once again have a military role. With the signing of the lease, an important piece of unfinished business in the Marianas agreement has been completed.

20 September 1980
992-A Awaawanaoa Place
Honolulu, Hawaii 96825

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

Dear Mr. Greenwalt:

I am writing to you and sending copies of this letter to key individuals as a result of my concern over the course of action you are following with respect to the Navy's practice bombing at our Hawaiian seabird nesting site of Kaula islet. For background information I have enclosed a timely documentary article on Kaula which appeared in the August 1980 issue of Honolulu Magazine. If you have not already seen this article, I hope that you will read through it before proceeding with my letter.

Since publication of the Honolulu Magazine article, I have seen a letter dated 8 July 1980 in which you indicate to the Navy that you intend to overturn the permit denial decision made by Fish and Wildlife Service regional authorities, and instead grant the Navy a two year special "scientific research" permit to take seabirds by bombing at Kaula. To my knowledge, this permit action has not yet taken place. Furthermore, it is currently not widely known that you plan to carry out such a reversal. Before you proceed further in this matter, I would like to offer several questions and comments for your response. I would be appreciative if this response would come directly from your office where responsibility for the Kaula case now rests. My specific questions and comments are as follows:

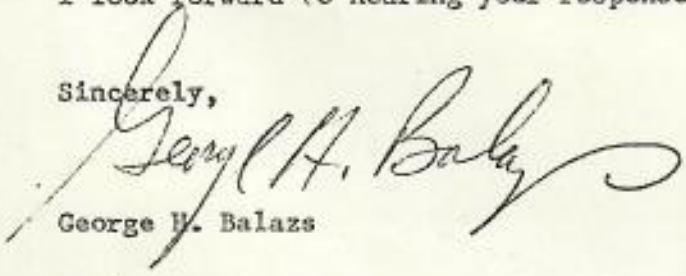
1. How do you justify overturning the decision made by your regional office in Portland, Oregon which denied the Navy a permit to take seabirds by bombing under the Migratory Bird Treaty Act? How are you able to reconcile your legal commitment to the protection of these seabirds with an activity (practice bombing) that is incompatible with the disciplined, controlled take of birds, nests, eggs, or the habitat upon which they depend? International treaties surely constitute one of the highest laws of our land. To grant approval to conduct two years of practice bombing at a small Hawaiian seabird nesting site, as you have proposed, in order to study the impacts of this bombing, certainly represents a distortion of the intent of the Migratory Bird Treaty Act, and possibly an illegal use. As Director of the Fish and Wildlife Service, a principal wildlife conservation agency of our federal government, how do you justify such an unusual interpretative exception, when it was not approved by your regional authorities?

The circumstances of our nation being at war or of the practice bombing at Kaula shown to be absolutely essential for national defense or national security would cast an entirely different light on this situation. However, as admitted by the Navy official quoted in the Honolulu Magazine article, Kaula is important for practice bombing only because of its logistical convenience and low cost. The same training could be conducted elsewhere, as stated in the article.

2. The islet of Kaula is part of the Hawaii State Seabird Sanctuary system under Regulation 7 (October 1978) of the Division of Fish and Game, Department of Land and Natural Resources. In addition to numerous legal restrictions that protect the habitat of these various islets, this regulation also prohibits the killing, disturbing, destroying, or molesting of any seabird, nest or eggs. Seabirds are also legally protected under Chapter 191 of the Hawaii Revised Statutes. In view of these existing laws, are you not required to first obtain a permit from the State of Hawaii before issuing any federal permit for the Navy to take Hawaiian seabirds under the Migratory Bird Treaty Act? If so, I am hopeful that our state officials will take a strong conservation stance in this matter and deny any such unreasonable request.
3. The Navy has never prepared an Environmental Impact Statement for their practice bombing activity at Kaula, as would certainly seem to be required under the National Environmental Policy Act. An Environmental Impact Assessment was prepared by the Navy in December of 1976, however this document is known to be grossly inadequate (see attached article from the Journal of the Hawaii Audubon Society). If you proceed to grant a permit that authorizes the taking of seabirds by practice bombing, are you not required to first prepare an Environmental Impact Statement for this federal action, since the Navy itself has never met this responsibility?
4. If the taking (and harassment) of seabirds, and destruction of habitat, by both live and inert practice bombing is permitted to continue, how do you hope to ever determine the full potential of Kaula as a breeding site for seabirds and possible habitat for endangered monk seals and sea turtles?
5. Kaula has close affinities with our Northwestern Hawaiian Islands in terms of fauna, flora and geological setting. It is not simply an offshore rock of one of the main Hawaiian Islands. In view of your justifiably strong conservation stance toward wildlife and habitat in the Northwestern Hawaiian Islands (Hawaiian Islands National Wildlife Refuge), how do you reconcile the endorsement of a policy of practice bombing on such a closely related island as Kaula? This would indeed seem to be a double standard which could ultimately render portions of the Northwestern Hawaiian Islands vulnerable to a resumption for use as a military practice area and other incompatible activities.

I hope that the questions and comments I have presented will cause you to rethink your intended actions in this important matter. Thank you for your attention. I look forward to hearing your response.

Sincerely,


George W. Balazs

enclosures

cc Mr. Susumu Ono, DLNR
Hawaii Congressional Delegation
Hawaii Audubon Society

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.



For the Protection of Hawaii's Native Wildlife

P.O. BOX 22832
HONOLULU, HAWAII 96822

HAWAII AUDUBON SOCIETY

July 11, 1981

Mr. Susumu Ono, Chairman
Board of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ono:

The Board of Directors of the Hawaii Audubon Society would appreciate learning if the Navy has as yet applied for, or made any inquiries relating to, the issuance of a permit to take and disturb seabirds at Kaula Island in conjunction with bombing exercises. It is our understanding that such a State permit is required under Chapter 191 of the Hawaii Revised Statutes, particularly if a study is undertaken to determine the effects of bombs on nesting seabirds.

Thank you for your assistance in this matter.

Sincerely,

Barbara J. Johnsen
Corresponding Secretary
on behalf of the Board of Directors

COMMITTEE ON
WAYS AND MEANS
SUBCOMMITTEE ON
HEALTH
OVERSIGHT

CECIL "CEC" HEFTEL
1st District, Hawaii

Congress of the United States
House of Representatives
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DISTRICT OFFICE
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ROOM 4134
P.O. Box 50543
HONOLULU, HAWAII 96850
(808) 546-8897

April 24, 1981

34° 58' N
174° 52' W

Ms. Marilyn Milberger
Hawaii Audubon Society
P.O. Box 22832
Honolulu, Hawaii 96822

Dear Marilyn:

Following up my previous letter, enclosed is a copy of the reply from the EPA concerning the disposal of radioactive wastes in the Pacific.

I trust the EPA letter and enclosure will provide useful information. If you have further questions or comments, please feel free to contact me again.

With best wishes and aloha,

Sincerely,



Cec Heftel
Member of Congress

CH:v1
Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

10 APR 1981

OFFICE OF
AIR, NOISE, AND RADIATION

RECEIVED

APR 24 1981

CONGRESSMAN HEFTTEL
WASHINGTON, D.C.

Honorable Cecil Heftel
House of Representatives
Washington, D.C. 20515

Dear Mr. Heftel:

This is a reply to your request for information pertaining to the questions asked by Marilyn Milberger of the Hawaii Audubon Society concerning the disposal of containers of radioactive waste in the waters of the Hawaii Archipelago.

The answers to many of her questions are contained in the enclosed Fact Sheet on Ocean Dumping of Radioactive Waste Materials. You will note that the summary table on page 4 confirms the data in the newspaper article from the Honolulu Star-Bulletin of October 8, 1980. This table shows the locations of the dumpsites, the type and amount of radioactive material dumped and the dumping agency.

Apparently the University of Hawaii dumped small amounts of byproduct materials during 1959-1960. Such materials probably consisted of contaminated laboratory equipment, clothing or paper towels. Small amounts of byproduct materials were also dumped by the Military Sea Transport Service about 300 miles from Midway. The wastes dumped at both locations were probably contained in ordinary 55 gallon steel drums with concrete caps. Since these wastes were dumped over twenty years ago, and they were apparently materials with relatively short half lives, much of the radioactivity will have decayed away by now.

When the Atomic Energy Commission licensed the dumping of such radioactive wastes, no harm was expected to either man or the marine environment. Surveys by several Federal agencies in ocean dumpsites have confirmed this expectation over the years. More recently EPA has conducted surveys of the major U.S. dumpsites and further verified that past dumping of radioactive wastes by the U.S. has not harmed the ocean environment or man.

To provide continued assurance that past dumping is not resulting in harm, EPA and the National Oceanic and Atmospheric Administration are now developing a comprehensive monitoring plan. This monitoring plan will also contribute to EPA's mandates under the Ocean Dumping Act of 1972. The plan covers four types of monitoring: a) public health monitoring, b) dumpsite evaluations, c) baseline monitoring, and d) radiation monitoring research.

Since seafoods are the only way radioactive materials could reach man from an ocean dumpsite, EPA expects to begin this summer a program for analysis of seafoods from the marketplace of coastal cities nearest the major U.S. dumpsites. We are recommending that this program be conducted in cooperation with the Food and Drug Administration which will do the seafood sampling. We are also recommending that similar seafoods be collected directly from the major dumpsites in cooperation with the National Oceanic and Atmospheric Administration.

I have enclosed copies of the testimonies of Mr. David Hawkins and Dr. Roger J. Mattson of EPA presented to Congressional Subcommittees to elaborate in more detail the responsibilities and findings of EPA in this important area.

Sincerely yours,

ES

Edward F. Tuerk
Acting Assistant Administrator
for Air, Noise, and Radiation

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Ms. Marilyn Milberger
Page Two
March 5, 1981

Marilyn, thank you for taking the time to bring the concerns of the Hawaii Audubon Society to my attention. I appreciate your kind words about my service to the people of Hawaii and look forward to hearing from you again about any issues of concern.

With best wishes and aloha,

Sincerely,



CEC HEFFEL
Member of Congress

CH:vlbt

NATIONAL AUDUBON SOCIETY

MEMO

To Chapter Presidents July 16, 19 81

From Russell W. Peterson Re: NAS Biennial Convention

Russ

Since only about 160 chapter presidents were able to attend our Biennial Convention in Estes Park, Colorado, July 3-5, I thought those of you who were not there might be interested in the message I gave to the 1200 Auduboners present at the Convention. It will bring you up to date on our activities and plans.

attachment

"The Plume Hunters and Prophets of Hope"
Russell W. Peterson
Biennial Convention
National Audubon Society
Estes Park, Colorado
July 4, 1981

Three score and sixteen years ago our forefathers and foremothers brought forth on this land a Society dedicated to stopping the commercial slaughter of plumed birds.

And stop it they did!

But the plume-hunter mentality continued to thrive. The make-a-quick-buck-today--to-hell-with-the-future exploiters continued to slash away at our natural resources. Overgrazing, overcutting, overhunting, overdraining, overfilling, overdumping--this combined with increased poisoning of the air, water, and land--so antagonized the people that they staged the environmental revolution of the 70's.

At every level of government, laws were passed to protect the environment. The tide of despoilment was stemmed.

But dissident voices grew in intensity, claiming the new regulations stifled the economy. Never mind that the facts did not support this contention. Never mind that in the long run we can't have a healthy economy without a healthy environment.

Fortunately the people weren't fooled. A substantial majority continued to declare that they were willing to pay more taxes and more market dollars to protect their life-support systems and the nation's wildlife and natural beauty.

Then a new federal government was elected with the votes of 26% of the registered voters to straighten out the economy. The quality of our environment was a non-issue in the campaign. But what does the new government do? Under a public relations facade that they have a mandate to do so, they set out to scuttle the environmental laws of the country.

It is hard to believe the stream of radical actions and pronouncements now emanating from the anti-environmentalists chosen to head the agencies that were set up during the past ten years to protect the environment. They are out to turn our air, water, land and wildlife back to the exploiters. They have declared war on the environment--repudiated the Audubon Cause.

It is time for us to fight!

We are assembled here today in this cherished natural area to decide whether this Society or any society so dedicated can long endure unless it fights for what it believes--unless it exercises the courage of its convictions.

What are our convictions? What is our mission?

Your Board and your staff in close communication with you, chapter leaders have weighed this question carefully on three different occasions over the past two years.

We concluded that our mission is well defined by the Society's Constitution and By-Laws and by the Audubon Cause. Let me quote from the former:

"To educate the public on the need to protect wild birds and other animals, trees and other plants, soil, air and water, and to promote a better understanding of the interdependence of these natural resources.

"To study and conduct research essential to the formulation of sound policies in the field of conservation.

"To promote the protection and preservation of natural areas.

"To further by all means that are both wise and opportune the objects included within or related to those above."

Let me quote also from the Audubon Cause:

"This statement is based on the conviction that humankind is both a part of the ecological systems of the Earth and the steward of environmental health and vitality."

Yes, fellow Auduboners, the stewardship of environmental health and vitality is our stewardship.

That is our mission!

Over its 76 years, the Society, through the study of bird life, has become increasingly aware of the interconnectedness of all life, and of the devastating cumulative impact of humankind's activities on our air, water, and land so vital to the support of all life. This awakening has led to extensive efforts by this Society to minimize the impacts of air and water pollution, toxic chemical contamination, nuclear radiation, and ecologically destructive water and land projects. It has led to involvement in those areas which have an especially major environmental impact--human population growth and the production and use of energy.

Over those 76 years Audubon--through its research, education, and action programs--has clearly made an important contribution to protecting birds and other wildlife, and their life-support systems; and through such efforts has also contributed to growth in the quality of human life.

I know you agree with me that it's great to be able to enjoy the wonder, the beauty, and variety of nature -- to be here in the Rocky Mountains with fellow Audubon leaders and activists--to be a part of the Audubon movement.

When we last met in Estes Park two summers ago, I was new to National Audubon. I had been your president for only a few months. My U.S.A. lifelist stood at 368. Well, I've added 126 species to my list since then, plus hundreds of visits with thousands of Auduboners in just about every state. I've seen tens of thousands of sandhill cranes descend on the River Platte at sundown and followed them to their nesting grounds in the Yukon Delta. I've seen a million eared grebes on Mono Lake, a dozen whooping cranes at Aransas, and one fork-tailed flycatcher on Cape Cod. I've seen the Everglades kite in Florida, the elegant trogon in Arizona, and the black-footed albatross off the coast of Washington. I've seen the black rail on our Rainey Sanctuary, the Montezuma quail on our Research Ranch, the caracara on our Kissimmee Prairie Preserve, and the golden-winged warbler in New York's Central Park.

I don't feel new to Audubon anymore. Renewed, yes--constantly renewed and inspired by what you and the Audubon leaders all around the country are doing to further the cause of conservation in this country.

Since our last national convention, I've attended the ten regional Audubon conferences for three days each and been in personal contact with most of our 460 chapters. What an organization we have! It's you volunteers at the local level, you thousands of concerned men and women, who make our organization effective. When one adds up all the time, expertise, dedication, hard work and yes, money, that you bring to Audubon, it amounts to much more than we, your employees, are able to contribute. We are hired to serve you, to help make that volunteer force as effective as possible. And today I believe it's fair to say we are better equipped to serve you than ever before.

We have made many changes in the management of National Audubon in the past two years. For example, of the top 100 jobs in our organization, 45 are filled by new people.

I hope you share my enthusiasm for our team. Believe me, it is a strong one.

Here are some of the tasks we carry out for you:

Ornithological and other field research; sanctuary management; environmental policy research; running nature centers and summer camps; conducting film-lecture series; publishing AUDUBON magazine, AMERICAN BIRDS, the AUDUBON LEADER, NATIONAL OUTLOOK, and special publications; communicating through the news media and numerous speeches; producing films and slide shows, TV and radio announcements; pursuing environmental litigation; operating ten regional offices and a markedly strengthened Washington office; carrying out membership and promotion activities; running business and accounting departments; and last, but far from least, raising money.

One-third of all these activities is financed by National's share of membership dues. The remaining two-thirds must be raised from contributions from individuals, foundations and corporations and from advertising, licensing, admission fees and subscriptions. We have markedly increased such income, permitting us, in spite of inflation, to get out of the red and finish in the black for each of the past two fiscal years.

It's hard to imagine a better occupation--or avocation--than ours. The challenges and opportunities have never been greater. Problems abound, to be sure. Threats to wildlife, population pressure, pollution, resource depletion, loss of habitat, and of course the problems in Washington loom large. But they are solvable problems. Our mission is to find and promote the solutions.

We must, of course, face up to those trends that point toward ecological disaster and then work to change the trends. We should not ostrich-like stick our heads in the sand, nor should we, Chicken-Little-like, be doomsayers. Our job is to identify life-supporting paths into the future. We are prophets of hope.

The National Audubon Society is a general interest organization--not a special interest organization, as our new Secretary of the Interior has charged, with a narrow, short-term focus. What we are working on has global and long-term significance. Our efforts won't pay off much for us, except in job satisfaction. But they will pay off for our children and grandchildren.

As we look to the future, we must become more adept at weighing all the costs and the benefits to the whole society over the long run--not just those costs and benefits that show on the current year's operating statement.

The obsessive emphasis of the new Administration in Washington on supply-side economics, with almost total disregard for the values of nature and the conservation of resources, reflects a failure to weigh all the costs and benefits. It is an example of myopic economics that work against the long-term best interests of our nation.

Economist Robert Hamrin has said it well:

"The modern (economic) perspective is faulty, inherently dangerous, and must be corrected...It is quite ironic that the new guiding economic philosophy of the day--supply-side economics--focuses solely on financial capital, neglecting completely the ultimate supply source--matter and energy.....

"The time has come for economists to acknowledge a very crucial fact: although the books of the market system seem to balance and record economic progress, the books of nature, which render the real accounting for the human race, run increasing deficits.

"If we are to have a true supply-side economics, it will have to incorporate the fact that biological capital is equally important as financial capital for achieving long-run sustainable growth."

This more comprehensive and realistic approach to economics is just one example of the need for bringing a more holistic perspective to decision-making. It is seeing things whole, as the ecologists teach, and understanding, as they do, the interconnectedness of things.

Auduboners started out with a prime interest in birds and then in the protection of all wildlife. We soon learned that to protect wildlife it was essential to protect wildlife habitat--their air, water, and land. And then we learned that the biggest threat to wildlife came from Homo sapiens who in their great and growing numbers, with their many tools and chemicals, their profligate use of energy and their chronic myopia, have a devastating impact. And finally it registered. The message from the birds, the bees, the grizzlies, the plants got through to us. We are all in this boat together.

Our boat is not just a canoe on an idyllic lake in Wisconsin. It is the fragile space-ship, earth. Wildlife's security, your security, my security, our nation's security are increasingly dependent on global environmental risks--risks such as population growth, carbon dioxide build-up in the atmosphere, accumulation of toxic chemicals and nuclear waste.

What each of us does at home, what each chapter does in its local area, is vitally important to the whole. But when we act, let's do so with as good an understanding of our global role as we can get. Rene Dubos' admonition to think globally, act locally, is good advice. So is Harlan Cleveland's advice, "If you don't include the hopeful factors in the programming, you won't find them in the print-out."

This past year in Audubon we have played, I believe, an important role in helping the country to face up to a more holistic and hopeful approach to solving what have to be the two most critical problems facing all of nature's critters--the energy problem and the population problem.

Let me discuss each of these briefly.

First, the Audubon Energy Plan--the first comprehensive document to come out of our new Environmental Policy Research Department. Some of you participated in the discussion of the plan earlier today. I hope all of you will take home with you a copy of this brochure that summarizes the plan.

How we produce and use energy is one of the basic environmental issues of our time. For example, to the extent we can fulfill a need by using less energy, our environment will benefit.

The Audubon plan calls for getting by in the year 2000 with no more energy than we are using today--80quads--80 quadrillion BTU's. Back in 1973 the Department of Interior was forecasting 192 quads by the year 2000.

The Audubon Plan doesn't mean doing without. It means doing it better--getting more results for less energy.

The Audubon Energy Plan is based on the best available data from universities, government agencies, and energy companies. It is the first practical, environmentally benign, step-by-step guide to energy independence for the U.S. The Plan explains exactly how, over the next twenty years, the U.S. can produce 50 to 80% more goods and services, and provide a better life

for a larger population, without using any more energy than we do today. It is also the least-cost route.

We project that 25 percent of our total energy budget--compared to 7 percent today--can come from the sun in the year 2000. By solar energy we mean all forms of renewable energy derived from the sun: water and wind power, biomass conversion, radiant panels, and photovoltaics which convert sunlight to electricity.

Coal and nuclear power are seen as temporary expedients during the transition to renewable energy, a transition that will be accomplished during the 21st century.

The nuclear contribution is included in the Audubon Plan not because it is really needed to reach the 80-quad goal. It's there because there is no realistic chance that all existing plants will be shut down or that all of those under construction will be halted. Our projection for nuclear is based on the assumption that no more nuclear plants will be given construction permits, that only two-thirds of those now under construction will actually be completed, and that a few others will be shut down because of accidents or concern over their location near large population centers.

After the year 2000, as renewable energy grows in importance, nuclear power will be phased out as old plants are retired.

A recent Gallup Poll of American homeowners revealed the same energy preferences as the Audubon Plan calls for, which are 180° removed from those of the Reagan Administration.

The Administration's virtual repudiation of conservation and solar and increased subsidization of nuclear runs counter to the public will and the public interest. And it certainly runs counter to common sense.

To reach the 80 quad objective of the Audubon Plan--which is appearing more conservative all the time--we need the working of natural market forces plus regulations, incentives, and education--to bring about energy-efficient appliances, higher auto-mileage requirements, energy-saving standards for new buildings, and the required retrofitting of old buildings before resale. Institutional changes are needed to allow home insulation and residential solar equipment to be financed with a bank mortgage loan or through utility companies which can pass the cost along in monthly customer bills--as they do now with the cost of coal and nuclear plants.

The second area where we have helped to bring the holistic view to bear concerns the interacting problems of population, resources and the environment. There can be little argument that if human population had stabilized a few decades ago, we would have little difficulty today with resources and the environment. But today when the world is adding its fifth billion in only ten years, the population factor becomes the dominant one. In my contacts with wildlife experts around the world, for example, I invariably hear them describe human population growth as by far the greatest threat to wildlife habitat.

Last year the National Audubon Society initiated plans for a National Leadership Conference to consider the fundamental link between population growth, the depletion of our natural resources, and the degradation of our environment.

The conference was held in Washington, D.C., in January. It was co-sponsored by 59 other organizations--environmental, population, health and scientific organizations, who have a total membership of over six million.

The Conference came out with two position statements--one recommending the establishment of a national population policy and the other the establishment of a permanent institution to provide the government with foresight capability in dealing with the interaction of population, resources and the environment. Copies of these documents are available at the convention.

The January conference helped to galvanize efforts under way for some time, following the release of the government's Global 2000 Report, to create a Global Tomorrow Coalition--which might also be called a "Prophets of Hope Coalition"--to do what we can to change threatening global trends. The Coalition consists of 49 organizations, including National Audubon, which together represent more than five million Americans. I have the honor of being chairman, Tom Stoel, head of the International Project for the Natural Resources Defense Council is president. And Don Lesh, a former foreign service officer recently with the U.S. Association for the Club of Rome is now on the job as executive director. He and one other staff person established an office in Washington just this week.

They will work to promote public and government awareness of the interrelationships of population, resources and environment, and they will encourage and coordinate actions of Coalition members, including Audubon, to achieve these ends. It is a very big and very important task. But it will only work from the grass roots up. I urge you to become involved in this effort.

I have spoken of the Audubon Energy Plan and the Global Tomorrow Coalition as milestones of the past year. Another notable milestone was reached since we last met here--a new and improved version of a book that is near and dear to many of us. I consider this another hopeful signal for our beleaguered earth. Roger Tory Peterson's revised "Field Guide to the Eastern Birds" has been on the best-seller list almost since the time it was published last summer. In fact, it appeared on both NEW YORK TIMES' lists for hard and paper-back bestsellers at the same time. From what I am told, no other publication including GONE WITH THE WIND and THE JOY OF SEX can make that claim.

The significance of the continued and growing popularity of the Peterson guides is not lost on those of us here. The more birdwatchers and nature lovers we have, the more activists there will be, putting pressure on our political leaders to uphold the laws that protect the air, land, and water quality so critical to wildlife.

As Roger himself has noted, "Birds are indicators of the environment. They warn us of things out of balance. It is inevitable that the intelligent person who watches birds will become an environmentalist."

Since it is obvious that we birders are intelligent--who here would challenge that assumption?--it follows that we are also environmentalists.

Which brings me back to my beginning--to the attack by the new government in Washington on all we believe in. Are we going to sit back and take it? Or are we going to fight?

One columnist has written, "The looting of America may be the slogan future historians assign to the current era."

Let me summarize what is happening. You don't need a lot of detail. The reporters, the columnists, the anchormen and the cartoonists have been providing it daily.

Of all the key positions created by the Congress in the last decade to oversee the environmental laws of the land, not one has been filled by the Reagan Administration with a person recognized as an environmentalist. On the contrary, these crucial jobs have been filled in nearly every case by people with a clear record of opposing the very laws they are now supposed to enforce.

The latest such insult comes from the Environmental Protection Agency. Five months after the Reagan cabinet met on Inauguration Day to illustrate how rapidly it was getting down to business, that Administration finally got around to announcing eight key appointments to the highly technical EPA. All, like James Watt, are lawyers, none is a scientist or an engineer; all are opposed to the regulatory role EPA was created to carry out, seven of them came from industry where they were assigned to work to downgrade EPA regulations and the other worked for the Business Roundtable. Shortly before this, the recently confirmed Administrator of EPA, Anne Gorsuch, a lawyer and an anti-environmental junior legislator from Colorado, announced the abolishment of EPA's separate enforcement division, an act former heads of EPA say will cripple the agency's enforcement function. She also took away the authority from the heads of EPA's regional offices to impose fines on industry for violating EPA regulations. And now she has come out with the Administration's proposals for redrafting the Clean Air Act--proposals which could lead to additional befoulment of our air, further the conversion of one of our critical life-support systems to a Great Sewer in the Sky.

The leader of this anti-environmental coup is James Watt, a lawyer from Colorado. You have all heard of him by now. There is no need for me to recite the whole litany of horrors he has created. He is not only Secretary of Interior, the official guardian of our wildlife and public lands, but also has been chosen by the President as Chairman of the cabinet-level Committee on Natural Resources and the Environment. In this job he captains essentially all the federal activities of special concern to Audubon--the Department of Interior, EPA, the Department of Energy, the Forest Service, and the Council on Environmental Quality, or what's left of it.

CEQ was set up by Congress eleven years ago to serve as the environmental conscience of the Executive Branch with responsibility to monitor the environmental actions of the Executive Branch and report to the Congress and the people. All fifty employees of CEQ, 100 percent of them, were called in and fired. They are to be replaced by sixteen others with a budget 70 percent less than we had when I headed this agency during the last Republican Administration.

Don't be misled by some people pleading for our loyalty to President Reagan's budget-cutting. This is part of the smokescreen under which the coup is being carried out. We have no objection to environmental agencies being included in the approximately 5 percent cut from the Carter budget, but we do object to a cut fourteen times larger.

Over in the Department of Energy, they are making cuts of 77 percent for energy conservation and solar energy. Just last week they ordered a reduction of 370 people from the Solar Energy Research Institute's staff of 750. At the same time these much-heralded free marketeers lavish additional subsidies on the ill-fated nuclear energy industry. While they are gutting their modest research program on using the free energy from the sun, that properly sited existing nuclear fusion reactor, they spend one billion dollars a year on research on nuclear fusion--that is, trying to create a sun on earth.

As I said earlier, they are going in a direction opposite to our Audubon Energy Plan.

Over in Agriculture, they selected a lawyer from the timber company that cuts the most trees in our national forests to succeed our Rupert Cutler as Assistant Secretary with responsibility for the Forest Service. He, too, has just reported for work. Already he has vowed to increase the cutting in the national forests and has wiped out their Office of Environmental Quality. Barry Flamm, a career forester who headed that office learned about his firing in the newspaper. Barry used to work for me at CEQ during the previous Republican Administration, and was later hired by Rupe Cutler in the Carter Administration to head his Office of Environmental Quality.

Yes, James Watt and his associates have declared war on the environmental movement. . . not only through direct attacks, like drilling in marine sanctuaries, turning our national parks over to the concessionaires, opening up wilderness areas to mining, hamstringing controls over strip mining, killing the Land and Water Conservation Fund, and starving the endangered species program, but also through psychological warfare.

The Secretary repeatedly claims he is in the mainstream of the environmental movement. Beware of this doublespeak! He repeatedly says the opposite of what he means--apparently to lull the innocent into complacency. Currently he is using this approach to try to drive a wedge between hunters and fishermen and other environmentalists. It won't work. Our Audubon Cause, for example, is just what's needed to protect the habitat for well-managed fishing and hunting.

I don't know one environmental leader in the same stream with Mr. Watt. Certainly our 435,000-member Audubon family isn't!

As I hope all of you know, I just sent to every member a letter asking them to make a special contribution toward a Citizen Mobilization Campaign to alert people to what James Watt and his colleagues are doing. What a response! Much greater than anything we had experienced before. And the mail is still coming in. As of last Monday, we had received 22,000 contributions which is five times as many as we received last year from our May-June special appeal to our members. At the same time we have received about eight times as much in money donated as we received last year. You should read the notes they sent. What an exciting vote of confidence in what we are doing. Less than ten respondents were sufficiently irritated by the letter to resign. We are trying to change their minds. But 99.8 percent of our respondents were with us. It shouldn't be surprising, however, since the polls continue to show that the general public is strongly behind protecting the environment, even if it costs them more money. If James Watt is in the mainstream, it must be an underground stream. Certainly he is undermining the foundations of the environmental movement.

You and I must stop him. Let's make our Citizen Mobilization Campaign work. Its objective is to educate our members, not only the activists but all of our members, about what is going on. Through such education they will, we hope, become sufficiently concerned to help mobilize their whole community to action to protect and enhance the environmental laws and institutions of our country.

It is also time as part of our Citizen Mobilization Campaign for another burst of activity to teach the environmental ethic ... to make more people aware of why it is so important for us human beings to live in harmony with nature -- for us to protect plant and animal life and the life-support systems -- the air, water and land ... to make more people aware that such activities are not only for the eagles, the warblers, the trout, the bears, the trees, the flowers, the wheat -- as important as they are -- but also for people and especially for future generations.

James Watt is making much of his contention that people don't matter to environmentalists. Of course people matter to environmentalists. The quality of human life is directly and deeply dependent on the quality of our environment. Our long-term and in many cases our short-term physical and economic health are dependent on the health of our environment. And so is our security.

This is what the Audubon Cause is all about.

The lack of understanding of these principles by the current Administration in Washington is at the heart of the problem.

In carrying out the Citizen Mobilization Campaign, it is imperative that National Audubon take advantage of its potential for networking to mobilize and educate people. Through leadership training sessions led by our regional vice presidents backed by our education division and our Washington, D.C., office, we will involve our chapters and they in turn their members and their local communities.

The power is with the people in our democracy. When we know what we want, we can get it through our elected officials. For an elected official to hear from his own constituent in that person's own words, a note, a telegram, a telephone call, works wonders. This is much better than a petition or a stack of form postcards.

Tell the people the problem and a plausible solution and they will back it up. That's what our Citizen Mobilization Campaign is all about. We need your all-out support. The problem is critical!

Frankly, fellow Auduboners, the Reagan Administration is attempting a coup--attempting through administrative actions to circumvent the environmental laws of the land, and to turn our natural resources over to the exploiters--to the modern-day plume hunters and buffalo hunters. We must stop them.

Certainly on this Fourth of July it behooves us to recall that ours is not a government for a chosen few. It is a government of the people, by the people, and for the people. Each of us must do his or her thing in this cause. It's time to fight.

#



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96858

George, F-II
Disk

PODED-PJ

21 September 1981

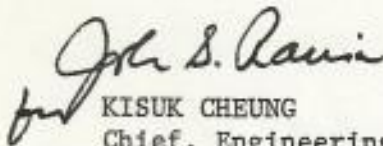
Mr. Richard Martyr, Vice President
National Audubon Society, Western Region
Office
555 Audubon Place
Sacramento, California 95825

Dear Mr. Martyr:

In response to your 9 September 1981 letter, we have reviewed our civil works project mailing lists to confirm that the Hawaii Audubon Society is included as a recipient of all notices and environmental documents. In addition, we have coordinated with our Operations Branch to be sure that they will receive copies of all permit notices.

Thank you for bringing this matter to our attention. We look forward to working with the Hawaii Audubon Society as an active participant in our project planning and report review process.

Sincerely,

Handwritten signature of John S. Rawie in cursive.

KISUK CHEUNG
Chief, Engineering Division



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

16 OCT 1981

INTERNATIONAL
SECURITY AFFAIRS

In reply refer to:
I-14137/81

Miss Elisa M. Jones
Legislative Assistant
Room 105
Russell Senate Building
Washington, D.C. 20510

Dear Miss Jones:

This letter is in response to your request of 6 October 1981 for information on Department of Defense plans for Farallon de Medinilla.

The military services have used the island of Farallon de Medinilla as a target range since 1 October 1978. Use of Farallon de Medinilla is made possible by a special lease arrangement with the Government of the Northern Marianas. We have no current plans which would alter our present use of the island. Farallon de Medinilla is not regarded as a domestic U.S. territory and consequently falls outside the purview of U.S. laws and regulations governing the requirement for environmental assessments and impact statements.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. S. Jones", is written above the typed name.

Donald S. Jones
Rear Admiral, USN
Director, East Asia
& Pacific Region



For the Protection of Hawaii's Native Wildlife

P.O. BOX 22832
HONOLULU, HAWAII 96822

HAWAII AUDUBON SOCIETY

November 24, 1981

The Honorable Daniel K. Inouye
United States Senate
Russell Senate Building, Room 105
Washington, D.C. 20510

Dear Senator Inouye:

Thank you for sending us a copy of Rear Admiral Jones' letter of October 16, 1981 responding to our inquiry of September 29th about the small islet of Farallon de Medinilla in the Northern Marianas being converted into a weapons' target.

The Admiral's letter states that "Farallon de Medinilla is not regarded as a domestic U.S. territory and consequently falls outside the purview of U.S. laws and regulations governing the requirement for environmental assessments and impact statements." While the Navy may in fact hold this view, the Hawaii Audubon Society would nevertheless like to obtain expert documentation through your office that this is in fact the case. We believe that clarification on this subject may possibly be obtained from the Department of the Interior, the Environmental Protection Agency, and/or the Department of Justice. In addition, we would also be very interested to learn if the Endangered Species Act and the Migratory Bird Treaty Act apply in the Northern Marianas, or other non-domestic U.S. territories that are considered by the Navy as being outside the purview of U.S. laws and regulations. It would be worthwhile to obtain a list from the Navy specifying the U.S. territories that it considers to be in this category.

We appreciate your help in this important matter, and look forward to hearing from you.

Sincerely,

Barbara J. Johnsen
Corresponding Secretary
on behalf of the Board of Directors



GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE
Washington, D.C. 20230

30 OCT 1981

Ms. Barbara J. Johnsen
Corresponding Secretary
Hawaii Audubon Society
P.O. Box 22832
Honolulu, Hawaii 96822

Dear Ms. Johnsen:

This is in response to your recent inquiry concerning whether data submitted under the Spiny Lobster Fishery Management Plan on fishery interactions with endangered or threatened species will be available to the public. Since your request raised a question with respect to the release of information to the public, the Southwest Regional Office of the Office of General Counsel, National Oceanic and Atmospheric Administration (NOAA), referred your letter to my office for response.

As Mr. Svein Fougner, Executive Director of the Western Pacific Regional Fishery Management Council, pointed out in his initial response to your inquiry, the Magnuson Fishery Conservation and Management Act (FCMA) (16 U.S.C. § 1801 et seq.) provides that statistics submitted to the Secretary of Commerce by any person in compliance with any fishery management plan shall be confidential and shall not be disclosed except when required under court order (16 U.S.C. § 1853(d)). This type of information is reported by fishermen pursuant to requirements in the regulations, as authorized by 16 U.S.C. § 1853(a)(5). Such information generally includes, but is not limited to, the type and quantity of fishing gear used, catch by species in numbers of fish or weight, areas in which fishing was engaged in, time of fishing, number of hauls and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors. Thus, if the Spiny Lobster Fishery Management Plan required interactions between endangered and threatened species and spiny lobster fishery to be reported to the Secretary of Commerce by fishermen pursuant to the FCMA, such information would be confidential.

In addition to information reported by the fishermen, it is anticipated that the Spiny Lobster Fishery Management Plan will provide for the collection of information by government biologists (observers) stationed on the fishing vessels. They will primarily be gathering information on the lobsters, but they may also record any incidents of endangered or threatened species being affected by the fishery. Since this information

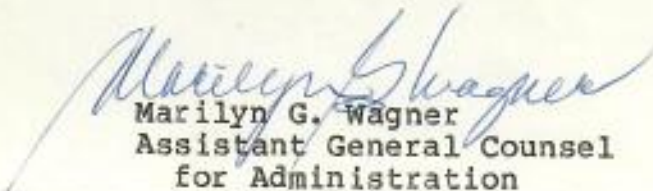
is being collected by government employees and not pursuant to the reporting requirement of section 303(a)(5) of the FCMA, such information would not be considered confidential under that Act.

This does not mean, however, that the information collected by the government observers would automatically be available to the general public. Other provisions of law, such as the specific exemptions contained in the Freedom of Information Act (5 U.S.C. § 552(b)) or limitations provided in the Trade Secrets Act (18 U.S.C. § 1905) might serve as an additional basis for the withholding of information collected by the observers from release to the public. Of course, whether these provisions of law would be invoked in response to a specific request for information is a decision that would be made only after an evaluation of the merits of the request.

In view of the fact that your letter to the Western Pacific Regional Fishery Management Council is a general inquiry into the availability to the public of information collected under the Spiny Lobster Fishery Management Plan, it is difficult to provide you with a definitive answer concerning what specific data will be made available to the public. Consequently, I hope you will find this to be responsive to your request.

We appreciate your continuing interest in this matter.

Sincerely,


Marilyn G. Wagner
Assistant General Counsel
for Administration



For the Protection of Hawaii's Native Wildlife

P.O. BOX 22832
HONOLULU, HAWAII 96822

HAWAII AUDUBON SOCIETY

November 28, 1981

Commander
Third Fleet
United States Navy
Pearl Harbor, Hawaii 96860

Dear Sir:

The enclosed copied letter was sent to your office over two months ago. Thus far we have not received a response to our inquiry. We would appreciate hearing from you on this important matter.

Thank you for your assistance.

Sincerely,

Barbara J. Johnsen
Corresponding Secretary
on behalf of the Board of Directors

cc
National Audubon Society
Senator Daniel Inouye



For the Protection of Hawaii's Native Wildlife

P.O. BOX 22832
HONOLULU, HAWAII 96822

HAWAII AUDUBON SOCIETY

September 11, 1981

Commander
Third Fleet
United States Navy
Pearl Harbor, Hawaii 96860

Dear Sir:

It has recently come to the attention of the Hawaii Audubon Society that the operation and maintenance of the Naval facility at Midway Island is scheduled to be transferred from military to civilian contract personnel within the foreseeable future. In view of the fact that Midway is also a Navy Wildlife Sanctuary that serves as an important breeding area for numerous species of seabirds, we want to have the opportunity to review and offer comments on the specifics of this significant federal action. We would therefore appreciate learning when an Environmental Impact Statement covering this action under the National Environmental Policy Act will be available to the public. Please be sure to include our name to the mailing list for this document.

Two species that are listed under the U.S. Endangered Species Act, the Hawaiian monk seal and the green sea turtle, also reside at Midway and fall under the jurisdiction of the Navy. Will "Section 7 consultations" be undertaken with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in order to safeguard the continued existence of these animals at Midway?

Thank you for your assistance in this important matter.

Sincerely,

Barbara J. Johnsen
Corresponding Secretary
on behalf of the Board of Directors

Setting Aside Land for Public Purposes

I, Wallace R. Farrington, Governor of the Territory of Hawaii, by virtue of the authority vested in me by paragraph q of Section 73 of the Hawaiian Organic Act, and every other authority me hereunto enabling, do hereby order that the following described public land be and the same is hereby set aside for public purposes, to-wit, for the Island of Lehua as a United States Lighthouse Station and the uses and purposes thereof, to be under the management and control of the Department of Commerce.

Island of Lehua,
Territory of Hawaii.

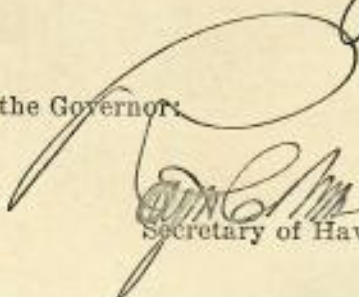
Island of Lehua, Territory of Hawaii, situate three-fourths (3/4) mile off the North end of the Island of Niihau, the highest point of said Island of Lehua being

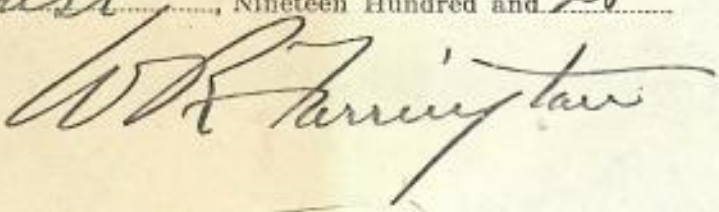
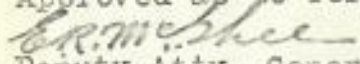
702 feet, the position of which being North Latitude 22°
01' 09.95" and West Longitude 160° 06' 02.28", and contain-
ing an approximate area of 277 ACRES.

In Witness Whereof, I have hereunto set my hand and
caused the Great Seal of the Territory of Hawaii to be affixed.

Done at the Capitol at Honolulu this 10th day of
August, Nineteen Hundred and 28

By the Governor:


Secretary of Hawaii.


Approved as to form:

Deputy Atty. General.

22° 02'

TRUE NORTH

KUMUKAHI



ISLAND OF LEHUA
Territory of Hawaii
Scale 1 in = 2000 ft.

Area = 277 Acs (Approx)

CHANNEL

Position of
highest point of Island
(elevation 702 ft):
North Lat. 22° 01' 09.5"
West Long. 160° 06' 02.25"



Station	Azimuth	Back Azimuth	Station
Lehua Is.	261° 12' 17.1"	81° 22' 00.5"	Pele (Kauai)
Lehua Is.	350° 11' 01.5"	170° 11' 22.0"	Paniau (Niihau)

S.P. 1-2-13

Search Launched for Draft Boards

There's no draft, but draft board members are being sought nonetheless, says Col. Norman F. Camara, acting director of Selective Service for Hawaii.

Volunteers would enter on an open-ended standby status because Congress hasn't authorized the return of boards, only the registration of men at age 18.

Camara said people are needed to fill 11 boards, six of them on Oahu. The five members of each board should exhibit some racial balance, Camara said. Restrictions limit membership to people 18 to 60 years of age, and those who are not now in the service, who have not been on a draft board within the last 15 years and who are willing to be trained and then serve without pay. If interested, call 737-7310, or write Selective Service, P.O. Box 10006, Honolulu, HI 96816.

support office will remain at Hickam.

The people behind the success of the Bowfin operation at Pearl Harbor honored its friends the other day and had the oldest submariner in these parts, retired Vice Adm. Ralph W. Christie, take a bow. Christie,

The Armed Forces



By Lyle Nelson

THE FIRST SHOT at Pearl Harbor on Dec. 7, 1941, was fired by the U.S. Navy, as many know.

In the **Parade** supplement in Sunday's newspaper, readers will see a feature by the Irving Wallace family in their **Significa** for July 5 that the destroyer **Ward** sank a midget Japanese submarine with depth charges in the Pearl Harbor entrance channel at 6:45 a.m., an hour and 10 minutes before the bombers took aim on **Battleship Row**.

As the Navy's official account of the event released some years ago by the 14th Naval District headquarters, the Pacific Fleet duty officer received news of the sub sinking at 7:15 a.m. That caused the destroyer **Monaghan** to be ordered to sea from the harbor for verification of the **Ward's** account. The **Monaghan** managed to get under way at 8:27, more than a half hour after the bombs started falling and the destroyer rammed another midget sub on the Pearl City side of Ford Island.

All the details on how the duty officer passed the **Ward's** message on to Rear Adm. **Husband Kimmel**, the Pacific Fleet commander, are carried in the numerous books written about Pearl Harbor in the years since.

Look for two aircraft carriers in a battle group carrying 100 midshipmen due in from the West Coast soon for **Fleet Exercise 1-81**. The midshipmen will include five foreigners, three from New Zealand, two from Canada.

That whopper exercise in **May**, **Readlex 5-81**, that put more than 6,000 sailhoops into Waikiki and Chinatown, included a Soviet trawler observer, the 3rd Fleet tells me. The observer ship never harassed ship formations, though the Russians did move to within five miles of Oahu during one lull in the multi-fleet war games.

The Navy is looking at 261 military and 388 civilian slots here with the possibility of converting all or some jobs to outside contractors, as a way to save money, naturally.

Involved are 15 functions, including military food service personnel at **Barbers Point**, the audio-visual workers at **Fleet Intelligence**, the guards and motor pool people at the **Submarine Base** and the fire fighters at **Naval Station**. Other personnel studies in other functions were announced by the Navy last December and February but no changes have been announced.

While the **Defense Nuclear Agency** opened a small liaison office at the **Pacific Command** at **Camp Smith** yesterday its field representative

Annapolis '15, retired in 1949. He was a submarine commander in World War I, skippered five other boats and headed a wolf pack operating out of Australia in 1942-44.

Yes, lady soldiers do look like sailors at times. Especially the seven women serving on the Army's Lt. Col. **John U.D. Page**, a 338-foot lighter that has been in Tacoma for six months of modernization. Page returned here yesterday to resume its job of hauling troops and gear to **Kahoolawe** and **Pohakuloa**.

Tom Zamary and **Toy Grice** of the **Veterans Administration** say compensation to local veterans, both service connected and non-service connected, came to \$28 million in the 12 months ending March 1. During that same period death claims came to \$8 million and education benefits amounted to \$17 million, bringing the total to \$54.5 million. A small amount of this sum was dispensed to veterans in American Samoa, Guam and Saipan.

The VA presentation was made to the **Chamber of Commerce of Hawaii's** armed services committee where **Fred Schaefer**, the retired Army Guard general, bowed out to make room for **Walter Tagawa**, the Army Reserve general, as chairman.

Vince Cui of the **Disabled American Veterans** says there has been no move here to start the **United Vietnam Veterans Organization** that was started a month ago on the Mainland by former Army Capt. **David Christian**.

Mrs. Judith H. Worobe, incidentally, is the new senior vice commander of the **DAV** and some may wonder what are the eligibility requirements for membership in **DAV**. The answer is that any service person who was wounded, injured, or the victim of illness is eligible. In **Worobe's** case she is a Korean War veteran who was injured.

Capt. John P. Cromwell Jr. retired Friday as commander of the **Naval Magazine Lualualei** and will remain in **Kailua** where he's been living. **Cromwell's** tour was a lively one since pacifist activists often stood vigil outside the gates at **West Loch** during and after the bunker-building issue. New man is **Capt. George L. McMichael**, who knows weapons and bombs, having once commanded an ammunition ship. Now he's got a cache of ammunition that doesn't roll with the swells. **McMichael** once studied Russian, the **Pointer** newspaper points out.

Hawaii Army Weekly says **Command Sgt. Maj. Laurence W. Rundle**, 46, of **Support Command** at **Fort Shafter** died of a heart attack at **Peetz, Colo.**, June 18 while on leave.

DANIEL K. INOUE
HAWAII

PRINCE KUHIO FEDERAL BUILDING
ROOM 6104, 300 ALA MOANA BOULEVARD
HONOLULU, HAWAII 96850
(808) 546-7550

United States Senate

ROOM 105, RUSSELL SENATE BUILDING
WASHINGTON, D.C. 20510
(202) 224-3934

December 2, 1981

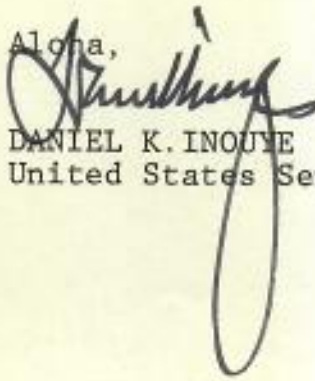
Ms. Barbara J. Johnsen
Corresponding Secretary
Hawaii Audubon Society
P.O. Box 22832
Honolulu, Hawaii 96822

Dear Ms. Johnsen:

I wish to acknowledge your letter of November 24th requesting further information regarding the islet of Farallon de Medinilla in the Northern Marianas being converted into a weapons' target.

I have contacted the Department of the Interior relative to this matter, and as soon as I receive a response I shall be back in touch with you.

Aloha,


DANIEL K. INOUE
United States Senator

DKI:bhm

CECIL "CEC" HEFTEL
1ST DISTRICT, HAWAII

Congress of the United States
House of Representatives
Washington, D.C. 20515

November 9, 1981

WASHINGTON OFFICE:
1030 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-2725
DISTRICT OFFICE:
300 ALA MOANA BOULEVARD
ROOM 4104
P.O. BOX 50143
HONOLULU, HAWAII 96850
(808) 546-8997

COMMITTEE ON
WAYS AND MEANS
SUBCOMMITTEE:
SOCIAL SECURITY
SELECT REVENUE MEASURES

Ms. Barbara J. Johnsen
Hawaii Audubon Society
P. O. Box 22832
Honolulu, Hawaii 96822

Dear Barbara:

As promised, I am forwarding to you the response I received from the U.S. Department of Defense concerning the use of Farallon de Medinilla as a bomb target.

You may be interested to know that an Environmental Impact Statement has been prepared on Farallon de Medinilla, and that you may obtain the report, "Farallon de Medinilla Bombardment Range, Mariana Islands", by contacting the Department of Navy. Apparently, no evidence was brought forth in the Environmental Impact Statement to indicate that irreparable damage would be inflicted on the island's ecosystem if it were to be used as a bomb target. As a result, the Department of Defense has been utilizing the island as a multiple use target range, and plans to continue to do so.

I hope that this information will be of some use to you. Should you need any further assistance, however, please do not hesitate to contact me.

With warm aloha,



CEC HEFTEL

CH:kss

Enclosure



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

21910
SUSUMU ONO, CHAIRMAN
BOARD OF LAND & NATURAL RESOURCES

EDGAR A. HAMASU
DEPUTY TO THE CHAIRMAN

DIVISIONS:
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

October 28, 1981

Ms. Barbara J. Johnson
Corresponding Secretary
Hawaii Audubon Society
P.O. Box 22832
Honolulu, Hawaii 96822

Dear Ms. Johnson:

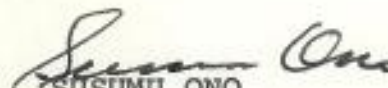
This responds to your letter of October 8, 1981 regarding Ka'ula Island and the protection of Hawaiian seabirds there.

An opinion from the office of the Attorney General on whether the island of Ka'ula is under the jurisdiction of the State or the U.S. government and whether our administrative rule can be enforced on this island is still pending. Until we have this issue resolved, we can take no action on the matter.

Although there is circumstantial evidence that seabirds have been killed on occasion by U.S. Navy bombing activities, I reiterate that no detailed study has yet been made as to the extent or frequency of such "taking". Also, no study has been made of the indirect impacts of Navy training on the wildlife using Ka'ula.

Although I fully appreciate the concern of the Audubon Society, I respectfully request your patience in this matter until the legal questions are resolved and we have more detailed information upon which to make judgements and take action.

Very truly yours,


SUSUMU ONO
Chairman

CECIL "CEC" HEFTEL
1ST DISTRICT, HAWAII

Congress of the United States
House of Representatives
Washington, D.C. 20515

October 21, 1981

COMMITTEE ON
WAYS AND MEANS

SUBCOMMITTEES:
SOCIAL SECURITY
SELECT REVENUE MEASURES

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(202) 225-2726

DISTRICT OFFICE:
300 ALA MOANA BOULEVARD
ROOM 4104
P.O. Box 50143
HONOLULU, HAWAII 96850
(808) 546-3997

Ms. Barbara J. Johnsen
Corresponding Secretary
Hawaii Audubon Society
P. O. Box 22832
Honolulu, Hawaii 96822

Dear Barbara:

Thank you for your recent letter expressing your concern over the U. S. Department of Defense proposal to use Farallon de Medinilla as a bombing target and impact area for military training exercises. I appreciate having the benefit of your views on this important matter.

I have contacted the Assistant Secretary of Defense asking him to respond to your concerns. I will contact you as soon as I receive his response. I am hopeful that the Department of Defense will not hesitate to provide the Hawaii Audubon Society with an opportunity to study and review the environmental assessments or impact statements which have been prepared on the island.

Again, mahalo for writing and bringing this matter to my attention. If I can be of any further assistance to you, please do not hesitate to contact me.

With warm aloha,



CEC HEFTEL

CH:kss

**Center for
Environmental
Education**

October 20, 1981.

Commander
Third Fleet
United States Navy
Pearl Harbor, Hawaii 96860

Dear Sir:

The Center for Environmental Education has recently learned that the operation and maintenance of the Midway Island naval facility is scheduled to be transferred from military to civilian contract personnel shortly. Since Midway is also a Navy Wildlife Sanctuary which is a habitat for two species listed under the Endangered Species Act, the Hawaiian monk seal and green sea turtles, as well as a breeding area for numerous species of seabirds, the Center requests an opportunity to review and offer specific comments on an Environmental Impact Statement covering this significant federal action as required by the National Environmental Policy Act. Please inform us on the Environmental Impact Statement availability and put us on the mailing list for this document.

We would also like to know whether "Section 7 consultations" for the Hawaiian monk seal and green sea turtle will be undertaken with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service as required by the provision of the U.S. Endangered Species Act.

Thank you for your cooperation regarding this important matter.

Sincerely,

Pamela Williams
Director, Seal Rescue Fund



Sierra, Mt. McKinley

Ansel Adams

SIERRA CLUB LEGAL DEFENSE FUND, INC.

2044 Fillmore Street San Francisco, California 94115 (415) 567-6100

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November 24, 1981

George Balazs
992A Awaawaanoa Place
Honolulu, Hawaii 96825

Dear George:

I received both the materials you sent some time ago and your delightful postcard. Unfortunately, I am completely overwhelmed with work on two important cases, and I will not be able to look into the Kaula case at all until mid-January at the earliest. If you perceive the need for more prompt action on this, please give me a call or send a note. Perhaps our litigation coordinator, Buck Parker, can find someone else to work on this matter in December.

I am sorry that I cannot be of greater help right now. Please keep in touch.

Sincerely,

Deborah S. Reames

P.S. I thought your photograph of the friendly turtle and seal was great! Thanks for sharing it.

TRUST TERRITORY OF THE PACIFIC ISLANDS: MARIANAS

10. Uracas (Farallon de Pajaros)

Active volcanic cone, rising 207 m above the sea, mainly of recent origin but with one patch of older material. Uninhabited, seldom visited and still almost totally undisturbed, with no anchorages or good landing place. It is recommended mainly for these reasons, although possibly also suited to long-term studies of colonisation by plants and animals. For example, the only plants so far recorded are an endemic sedge Fimbristylis uracasana and, doubtfully, Miscanthus grass.

11. Maug

The top of a largely submerged volcanic cone, forming three small islets of a total area of 207 ha, the highest point reaching 218 m above sea level. The northern and western islets are columnar basalt with coarse seasonal grass steppe and stunted evergreen sclerophyll shrub, the eastern islet having some coconut palms, presumably introduced, as well as scrub. The eastern islet was for a time the site of a Japanese weather station and has a sheltered anchorage, but despite this there are few signs of disturbance and the islands are no longer inhabited.

12 and 13. Guguan and Farallon de Medinilla

The reason for including these two islands in the recommendations is that, due to difficult landing conditions, they seem to have been very seldom visited and to be almost completely undisturbed. Indeed they offer a virgin field for investigation and scientific study, a rare circumstance in the region. Guguan comprises two volcanic cones, one active and 279 m high, the other dormant and reaching 301 m; it is cliff bound and intersected by deep ravines, in some of which a few breadfruit trees have become established, but otherwise the vegetation is very scanty; the total area is 414 ha. Farallon de Medinilla is a much smaller raised limestone islet of only 86 ha, with a flat-topped ridge, cliff-bound with caverns and signs of frequent landslides; it is only known from air photographs which show a deep chasm separating the northern and southern ends and a good vegetational cover of what appears to be broad-leaved evergreen orthophyll scrub, dense in places more open in others.

PAPER No 37

SESSION IV - Problems of conservation and planning for their solution;
12. Conservation of "Islands for Science"

DOCUMENT No 37

SECTION IV - Problèmes de conservation et plans d'action pour les résoudre;
12. Protection de certaines îles du Pacifique à des fins
scientifiques

PACIFIC OCEANIC ISLANDS RECOMMENDED FOR DESIGNATION
AS ISLANDS FOR SCIENCE

by

Sir Hugh Elliott
Scientific Editor, IUCN,
173 Woodstock Road,
Oxford, England

ILES OCEANIQUE DU PACIFIQUE QU'IL EST RECOMMANDE DE DECLARER
"ILES AU SERVICE DE LA SCIENCE"

par

Sir Hugh Elliott
Rédacteur scientifique de l'UICN
173 Woodstock Road,
Oxford (Angleterre)

Summary

One of the main objectives of the Conservation of Terrestrial Communities (CT) Section of the International Biological Programme (IBP) is to ensure the maintenance of a comprehensive series of sites suitable for scientific research into man's environment. As a result of a recommendation made at the Eleventh Pacific Science Congress (Tokyo, 1966), designed to assist in the implementation of this objective, a provisional list of Pacific islands suitable for the purpose was drawn up at a Technical Meeting held in Koror, Palau, in 1968, under CT/IBP auspices. 39 islands have been selected from this list and designated as "islands for science". All islands selected are relatively free from outside (particularly human) impact.

Each island is briefly described, and the reasons for its selection summarised.

* * *

Résumé

L'un des principaux buts de la Section "Conservation des collectivités terrestres" (CT) du Programme biologique international (PBI) est la protection de toute une série de sites qui se prêtent aux recherches sur l'environnement. A la suite d'une recommandation formulée par le Onzième Congrès scientifique du Pacifique (Tokyo, 1966), qui était destinée à promouvoir cette action, une liste provisoire d'îles du Pacifique répondant à cette préoccupation a été dressée lors d'une conférence technique tenue à Koror (Palau), en 1968 sous les auspices du PBI. A partir de cette liste, 39 îles ont été déclarées "Îles au service de la science". Elles sont toutes relativement indemnes d'influences extérieures (et notamment d'intervention humaine).

Chacune de ces îles est brièvement décrite et les raisons du choix sont résumées.

* * *

1. One of the principal objectives of the Conservation of Terrestrial Communities (CT) Section of the International Biological Programme (IBP) has been to ensure that a comprehensive series of sites is identified, safeguarded and maintained, where scientists and particularly biologists can, now and in the future, find the materials on which to base their research and acquire a better understanding of man's environment. Pressures due to population increases, demands on resources and advances in technology, mean that, without positive action to prevent it, crucial data can disappear forever almost over night. It was realized at an early stage of the CT programme that these considerations have particular application to relatively undisturbed islands, which by definition are usually oceanic, though off-shore islands (on the continental shelf but out of sight of the mainland) and even occasionally in-shore islands can fall within the same category. Characteristically such biotopes have highly specialised but often simplified ecosystems, which are therefore particularly vulnerable to disturbance.

2. Accordingly, as the first step in a series of projects designed to meet this situation, an IBP/CT initiative resulted in the adoption of a resolution by the 11th Pacific Science Congress meeting at Tokyo in August, 1966, aimed at promoting "surveys and recommendations which will enable the authorities concerned to establish an adequate permanent series of natural habitats conserved as a basis for research throughout the Pacific". The survey work, comprising the listing of and assembling of all available data on the oceanic islands of the Pacific Ocean - the first group selected for investigation - was taken to a sufficiently advanced stage during the next two years that a Technical Meeting, held under IBP/CT auspices at Koror, Palau Islands, in November 1968 was able to make a provisional choice of some 35 islands which could be recommended as suitable for reservation for scientific purposes.

Regional Symposium on Conservation of Nature

- Reefs and Lagoons

Proceedings and Papers

Held at Noumea, New Caledonia
at the Headquarters of the South Pacific Commission

5 to 14 August 1971

in collaboration with the
International Union for Conservation of Nature
and Natural Resources
(IUCN)

Published by the South Pacific Commission,
Noumea, New Caledonia. 1973

2-24-75 South Pacific Comm \$6.05



For the Protection of Hawaii's Native Wildlife

P.O. BOX 22832
HONOLULU, HAWAII 96822

HAWAII AUDUBON SOCIETY

August 1, 1981

Mr. Doyle Gates
Western Pacific Program Office
National Marine Fisheries Service
P.O. Box 3830
Honolulu, Hawaii 96812

Dear Mr. Gates:

The Board of Directors of the Hawaii Audubon Society would like to know if your office is aware of any reports of Hawaiian monk seals having been observed on or in waters anywhere around Kaula Island. If you have knowledge of such sightings, we would appreciate receiving full details of the events, including dates, locations and circumstances.

Thank you for your assistance in this matter.

Sincerely,

Barbara J. Johnsen
Corresponding Secretary
on behalf of the Board of Directors



For the Protection of Hawaii's Native Wildlife

P.O. BOX 22832
HONOLULU, HAWAII 96822

HAWAII AUDUBON SOCIETY

8 October 1981

Ms. Deborah Reames
Sierra Club Legal Defense Fund

Dear Deborah:

Many thanks for your encouraging letter of 28 September. Yes, indeed, I would like to see an inquiry made to the Navy on SCLDF stationary. I have long felt that the 1-2 months delays in the Navy's replies to our inquiries on Kaula, and then not responding to all of our questions, is just their way of trying to make us give up. If it is, it won't work. It only makes us more determined to rectify a ridiculous situation.

The questions you could ask in your letter are:

1. To what extent will (or have) the annual RIMPAC exercises involving the vessels and aircraft of other nations utilized Kaula or the adjacent waters for practice bombing and other training?
2. To what extent was ordance unintentionally or accidentally used on Kaula or in the waters surrounding Kaula in the Readix 5-81 and other exercises conducted this year? See Navy letter dated 14 Sept, copy attached.
3. Will the Sonar-Buoy network for humpback whales that was recommended in the NMFS Section 7 consultation ever be installed and made operational? If so, when?

I have also enclosed a copied letter to the Western Pacific Program Office of the National Marine Fisheries Service dated August 1, 1981 inquiring about reports of monk seals in the vicinity of Kaula. This letter has also gone unanswered, and it would be good if you would write your own independent inquiry. We have fairly reliable information that such seal reports have been made in recent years, but we need formal documentation from this government office.

Please do not specifically mention my name in any of your inquiries, but of course feel free to refer to the Hawaii Audubon Society in general if you wish. I will be looking forward to see what sort of a response you get, and just how long they take to be sent to you.

Best wishes- warm Aloha,

George Balazs



For the Protection of Hawaii's Native Wildlife

HAWAII AUDUBON SOCIETY

P.O. BOX 22832
HONOLULU, HAWAII 96822
Home telephone
395-6409

June 21, 1981

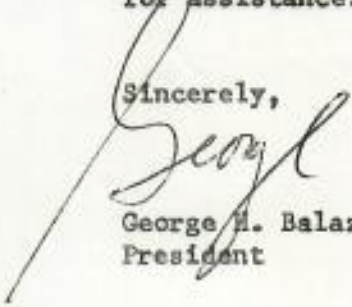
Mr. Dale Coggleshall
Area Administrator
Fish and Wildlife Service
P.O. Box 50167
Honolulu, Hawaii 96850

Dear Dale:

As part of our continuing effort to be well-informed on local conservation problems, the Hawaii Audubon Society would appreciate receiving copies of reports, correspondence and telephone narratives relating to Kaula Island that have been incorporated into the files of your office since June 1, 1980. If there are any charges resulting from this request, please send us an invoice along with the assembled materials in order to avoid a delay in processing.

Please feel free to telephone me if you have any questions about this request for assistance. Thank you for your continuing help.

Sincerely,



George H. Balazs
President

cc
Peter Galloway, Conservation Committee Chairman



For the Protection of Hawaii's Native Wildlife

P.O. BOX 22832
HONOLULU, HAWAII 96822

HAWAII AUDUBON SOCIETY

October 8, 1981

Mr. Susumu Ono, Chairman
Board of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ono:

In your letter of July 23, 1981 concerning Navy practice bombing at Kaula, you indicated that the Attorney General had been asked to investigate jurisdictional aspects of the island. Has a legal opinion now been issued in this matter? If so, we would greatly appreciate being informed of the outcome. The Society is anxious to work together with you on this problem of conserving the Hawaiian seabirds at Kaula.

In your letter you also mentioned that no detailed study has been made "to determine if and to what extent bombing activities result in the taking of seabirds using the island". We would like to respectfully point out that it is positively known that seabirds are taken (killed) by bombing activities at Kaula. This has been documented and reported by personnel of your Department (see "Report on Trip to Ka'ula Island, March 6-8, 1979") and by the Navy itself (see attached copied letter from the Commandant, 14th Naval District). We are indeed concerned about the killing of seabirds as a violation of HRS Chapter 191. However, our greater concern is the suppression of breeding activity in terms of numbers, species, seasonality and distribution that can logically be expected from bombing on a small seabird rookery like Kaula.

Thank you for your continuing assistance. We look forward to hearing from you when your busy schedule permits.

Sincerely,

Barbara J. Johnsen
Corresponding Secretary
on behalf of the Board of Directors



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Washington, D.C. 20235

F6:TRL

SEP 4 1979

9/5/79

Vice Admiral Kinnaird R. McKee, U.S.N.
Commander Third Fleet
United States Pacific Fleet
Pearl Harbor, Hawaii 96860

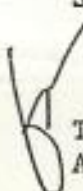
Dear Admiral McKee:

This letter responds to your October 12, 1978, request for formal consultation pursuant to Section 7 of the Endangered Species Act, as amended, regarding the probable impacts of U.S. Navy use of Kaula and Kahoolawe Target Islands on humpback whales that winter in Hawaiian waters. As you know, because of the lack of information available at the initiation of consultation, it was mutually agreed to extend the due date of my biological opinion until approximately August 15, 1979.

The enclosed biological opinion concludes that the continued use of explosive ordnance by the Navy on Kaula Island is likely to jeopardize endangered humpback whales but that the continued use of Kahoolawe Island probably would not jeopardize the species. Should additional data indicate potential adverse impacts on humpback whales or any other listed species, or should another species found in the area of the target islands be listed, consultation must be reinitiated.

I appreciate all your efforts and support to protect this endangered whale and look forward to continued cooperation in future consultations.

Sincerely yours,

 E-Jack W. Gehring

Terry L. Leitzell
Assistant Administrator
for Fisheries

Enclosure

cc: Marine Mammal Commission



Endangered Species Act

Sections 7 Consultation Threshold Examination

U.S. Pacific Fleet

Commander 3rd Fleet

Pearl Harbor, Hawaii 96860

Agency: U.S. Navy

Activity: Use of Kaula and Kahoolawe Target Islands

Consultation Conducted by: National Marine Fisheries Service Regional Director, Southwest Region

Chronology of Events

In July 1978 informal consultation was begun between the U.S. Navy and the National Marine Fisheries Service (NMFS) regarding the impact of naval operations at Kaula and Kahoolawe Target Islands, Hawaii on humpback whales (*Megaptera novaeangliae*). Of particular concern was the inadvertent release of explosive ordnance into the waters adjacent to the target islands. On August 21-22, 1978, a preliminary trip was made to Kaula by NMFS and Navy personnel to determine the feasibility of gathering data on whales in waters surrounding the island during the 1979 whale season which was expected to begin in early December.

By letter dated October 2, 1978, and received October 16, 1978, the Navy requested formal consultation with NMFS to determine the effects of Navy use of Kahoolawe and Kaula as target islands on the humpback whale. To assist me in responding to this request, I appointed a consultation team consisting of representatives from the NMFS Southwest Region. After reviewing available information, it was determined that additional information was needed as to the occurrence of humpbacks at both target islands, particularly Kaula. Since the required data could be obtained during the 1978-1979 humpback whale season it was mutually agreed to extend the due date for the biological opinion to approximately August 15, 1979. In a letter to the Commander, Third Fleet, dated November 27, 1978, the types of information required for the biological opinion were identified and methods for obtaining these data suggested. In early December 1978, Commander, Third Fleet, issued a directive stressing the importance of keeping ordnance on land and to report all incidents of inadvertent live ordnance release in the water near Kaula and Kahoolawe.

During the 1979 NMFS humpback whale survey (February 7-19), twelve humpbacks were censused at Kaula on February 17, including two approximately 75 yards from the island. The Navy was contacted and, on February 20, 1979, agreed to a temporary halt in the use of live ordnance in training missions on Kaula until mid-May 1979. The Navy continued training missions utilizing inert ordnance until May 15 when live ordnance was resumed after discussions with NMFS, and all indications were that the whales were no longer in the area around Kaula Island.

Description of Activity

Kaula Island has been utilized as a target by U.S. and allied forces since 1952. Although at one time the entire 108 acres of the island were used in training both aviators and surface units in air-to-surface and surface-to-surface weapons delivery, Kaula is no longer used as a Naval vessel gunfire range.

At the present time the primary users of Kaula Island are Marine Corps and Navy aircraft conducting missions with live or inert ordnance. Only the southeastern tip of the island is now used as target and is marked by three concentric circles of painted 55 gallon drums. The total target impact area comprises 8 percent of the island.

Although no data are available, Navy pilots estimate that approximately 10 percent of the ordnance misses Kaula Island and enters the nearshore waters.

Kahoolawe Island Target Complex has been utilized by U.S. military forces for aerial and surface bombardment and gunnery exercises since 1941. Practically every type of conventional ordnance in the U.S. military inventory has been expended on the island. Because of free drop zones and unrestricted use in early years, the entire island and nearshore waters have been subjected to varying degrees of ordnance contamination.

Presently, there are 17 air-to-surface targets in use on Kahoolawe. These targets occupy approximately 7,750 acres of the 28,766 acres comprising Kahoolawe and are located only in the center north to south section of the island. No targets are located within one kilometer of the shoreline.

With the current use of inland targets, the possibility of ordnance being introduced in nearshore waters exists only from short rounds from ship-to-shore firing or an emergency jettison of ordnance from aircraft. According to Navy sources, no ordnance to date has entered the nearshore waters of Kahoolawe in 1979.

Impact on Endangered Humpback Whales

The North Pacific population of humpback whales was reduced by intensive whaling from about 15,000 to approximately 850 between 1900 and 1966, when it received protection from commercial whaling by the International Whaling Commission. In 1970 humpback whales were listed as endangered under the Endangered Species Act of 1969 and have remained protected under the subsequent Endangered Species Act of 1973 and its amendments.

In the North Pacific, humpbacks migrate south from their subarctic summer feeding grounds to winter in shallow subtropical waters around Hawaii, along the west coast of Mexico, and in the western Pacific around the Mariana, Bonin, and Ryukyu Islands. The Hawaiian Islands are considered their most important breeding and calving area in the North Pacific.

Recent data indicate that a population of approximately 500 to 600 humpback whales winter in waters around the main Hawaiian Islands from December through May each year. The population migrates between higher latitude North Pacific summer feeding grounds and winter breeding/calving grounds in nearshore shallow waters around Hawaii. Their numbers peak in late January through February and remain fairly constant through mid-March. In April they begin migrating out of Hawaiian waters and by late May or early June the last stragglers depart.

Humpback whales concentrate during the winter breeding season in shallow waters, usually less than 100 fathoms in depth and are particularly attracted to broad bank areas. In the Hawaiian Islands, major areas of concentration are Penguin Bank, the waters bounded by the islands of Molokai, Maui, Lanai and Kahoolawe, and the nearshore waters of Hawaii Island between Upolu Point and Keahole Point. They are consistently found, although in smaller numbers, in several other areas of the main Hawaiian Islands, including Kaula Island.

Four consecutive NMFS humpback whale surveys, conducted between 1976 and 1979, have established that a continued annual presence of humpback whales occurs in the nearshore waters of Kaula Island during the peak of the winter season. The year and number of humpbacks sighted at Kaula and on the Kaula Bank were: 1976-5, 1977-4, 1978-7, 1979-12. A calf was sighted with two adults and two other adults were sighted within 75 meters of Kaula during the 1979 survey.

During a survey on March 6-8, 1979, two NMFS biologists recorded observations of humpback whales during daylight hours from vantage points on Kaula Island. From the observation station 550 feet above

sea-level, whales could be clearly seen up to 3 miles from the island. Nine humpbacks were the maximum number sighted at any one time, and at least five whales could be seen at all times during daylight hours.

The majority of sightings were made on Kaula Bank off to the west-north-west of the island. However, on several occasions whales were sighted within the confines of the semi-circular crater on the east side, and on March 6, a single whale was sighted only 30 meters off the northeast side of the target impact area. Possibly the same whale was seen the following day within the crater.

There were no discernible local migratory patterns evident, with whales moving apparently at random in the vicinity of Kaula. Groups of two or three animals were often observed for hours at a time within the same general range and bearing. Whales would remain submerged between 10 and 15 minutes usually surfacing close to where they dove. Activities such as breaching and lobtailing occurred occasionally in flurries, with animals in various groups becoming active at the same general time.

A calf was again seen during the March survey, confirming the presence of at least one humpback calf at Kaula during the 1979 season. Reports of sighting of humpbacks in the vicinity of Kaula by fishermen and researchers indicate the presence of whales during February and March, the peak months of humpback whale numbers in Hawaii. One knowledgeable individual reported that no humpback whales were sighted in the area of Kaula during the first week of April 1979. In addition, there are no reports of humpbacks around Kaula early in the season. Therefore, it appears that Kaula supports humpbacks only during the peak months of the humpback whale season.

During the NMFS review of the draft supplement to the Final Environmental Impact Statement, Kahoolawe Island Target Complex (October 1977), NMFS pointed out the potential danger of Navy action at Kahoolawe on the humpback whale, should live ordnance enter the nearshore waters and shoreline areas. Attached to the NMFS response letter dated April 6, 1978, were charts from the 1976, 1977 and 1978 NMFS humpback whale survey cruises pinpointing specific locations of whales sighted around Kahoolawe. The numbers sighted during each survey were: 1976-16, 1977-23, 1978-13. However, present Navy use of inland target impact areas on Kahoolawe and sighting information on humpback whales indicated that it was not necessary for the Navy to cease using live ordnance during consultation, and therefore, NMFS did not request this action.

As in preceding years, the majority of whales sighted during the 1979 survey were along the north and northwest coast of Kahoolawe from Kanapou Bay around to Kealaikahiki Point. These waters, particularly Kuia Shoals off Smuggler Cove, have the requisite broad, shallow shelf which humpbacks seek out during the winter season. On February 9, 1979,

a southerly gale forced the survey vessel to shelter for an afternoon and night off north Kahoolawe in the vicinity of Kuheia Bay and provided an opportunity for an additional count to be made at a specific site. A total of nine humpbacks were counted within 1 to 1 1/2 miles of the shoreline in this area of Kahoolawe.

Aerial and surface vessel surveys by additional researchers and reports by fishermen and other boaters confirm that humpback whales consistently utilize the nearshore waters of Kahoolawe during the entire winter season, with the exception of the precipitous south coast of the island. Groups of humpbacks sighted around Kahoolawe occasionally include calves, indicating the possible importance of the area as a nursery ground.

Conclusions

Having reviewed the 1979 humpback whale survey and activity data and records of military use of Kaula Island, the consultation team concluded that the continued use of explosive ordnance by the Navy on Kaula Island during the months December through April is likely to jeopardize the continued existence of the species. The team further concluded that there is no indication that the continued use of Kahoolawe as a target island is likely to jeopardize the humpback species, provided that the Navy restricts live ordnance detonation to the existing target area. Section 7b of the Act requires that we provide reasonable and prudent alternatives which would avoid jeopardizing the species. We believe the following recommendations would avoid jeopardizing humpback whales around Kaula Island.

Recommendations

Kaula Island. Based on the continued use of the extreme nearshore waters of Kaula by humpback whales, coupled with the small size of the target and the fact that ordnance frequently misses the land mass, we recommend that no live ordnance be utilized at Kaula Island from the months of December through April. At all times extreme caution should be exercised by pilots to place ordnance, both live and inert, on the target end of Kaula. All misses should be reported to the Commander, Third Fleet, and logged. An annual summary report detailing the number and percentage of explosive ordnance entering the water should be submitted to the NMFS Regional Director, Southwest Region at the end of each fiscal year.

In addition, we recommend that the Navy place sonobuoys in the water around Kaula during the month of October in order to record vocalizing humpback whales. The sonobouy should be kept in operation from October until the end of May. This action will provide data needed to determine the arrival time of the first whales at Kaula Island as well as their approximate departure time from the area. If the sonobuoys and/or visual observations indicate humpbacks in the Kaula area prior to

December 1 or after April 30 then use of of live ordnance should cease immediately. The use of live ordnance should resume only after the sonobouys and/or visual observations confirm that humpback whales are again clear of the Kaula area.

Although the species is not likely to be jeopardized around Kahoolawe Island, we believe the following recommendations will add further protection to the species.

Kahoolawe Island. Based on available data it is concluded that the waters surrounding the majority of Kahoolawe include important habitat for the humpback whale. Thus, extreme caution should be exercised to assure that ordnance does not impact on the shoreline or nearshore waters surrounding the island.

Because additional data on the effects of surface vessel activities on humpback whales would be useful, we recommend that the Navy undertake a study to determine the effects of vibration and noise on cetaceans from ships bombarding the target impact area of Kahoolawe from the two controlled firing areas offshore. The findings should be reported to the NMFS and included in the final EIS on Kahoolawe Island Target Complex.

It is our understanding that the Navy has an ordnance jettison area for dumping unexploded munitions southwest of Kahoolawe, approximately coinciding with the 100 fathom curve. If this dumping area is still in use we recommend it be relocated further offshore in a southerly direction to at least the 1,000 fathom curve.

In addition, we recommend that the Navy continue with their erosion control project on Kahoolawe in order to reduce the amount of turbidity consistently seen in the nearshore waters surrounding the island.

Finally, should additional data indicate potential adverse impacts on humpback whales or any other listed species, or should another species found in the area of the target islands be listed as endangered or threatened, we recommend that consultation be reinitiated.



Sierris, Mt. McKinley

Ansel Adams

SIERRA CLUB LEGAL DEFENSE FUND, INC.

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419 6th St.
Suite 321
Juneau, AK 99801
(907) 586-2751

September 28, 1981

George Balazs
992A Awaawaanoa Place
Honolulu, Hawaii 96825

Dear George:

Thank you for your letters on Kaula Island. It is amazing how slow the Navy is in answering your questions. I would be happy to make your inquiries on SCLDF letterhead, if you think it would help. You mention that "for instance," you would like to know whether Kaula is being used by other nations for bombing practices. What other information do you want? If you send me a list of questions you feel the Navy has not adequately answered, I will draft a letter to the Navy posing those questions.

Sincerely,

Deborah S. Reames

DSR: csl



SIERRA CLUB LEGAL DEFENSE FUND, INC.

2044 Fillmore Street San Francisco, California 94115 (415) 567-6100

Sunrise, Mt. McKinley

Ansel Adams

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419 6th St.
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Juneau, AK 99801
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July 14, 1981

Mr. George Balazs
University of Hawaii at Manoa
Hawaii Institute of Marine Biology
P. O. Box 1346
Coconut Island
Kaneahe, Hawaii 96744

Dear Mr. Balazs:

This is to let you know that I have been trying to determine from the Fish and Wildlife Service the status of the Kaula Island permit. I spoke with George Brakke of the Washington Office and Wes Mohalt of the Portland Office. Both claim that the Navy has simply not responded to Greenwalt's letter offering the Navy a temporary use permit for practice bombing on Kaula, conducted together with a study of the effects of such bombing on the birds inhabiting the island. Mohalt suggested that the Navy might be having problems obtaining funding for the study.

It looks like things are just going to slide for awhile. Please let us know if you hear of any developments. Mike and I are most interested in this matter.

Sincerely,

Deborah S. Reames



UNITED STATES PACIFIC FLEET
COMMANDER THIRD FLEET
PEARL HARBOR, HAWAII 96860

IN REPLY REFER TO:
FF/3
11015.4A
Ser 011K/1187
14 Sep 1981

Ms. Barbara J. Johnsen
Corresponding Secretary
Hawaii Audubon Society
Post Office Box 22832
Honolulu, Hawaii 96822

Dear Ms. Johnsen:

In your letter of August 21, 1981, you asked about the use of Kaula during the READIEX exercise of May 1981.

The Commander THIRD Fleet schedules four to five READIEX exercises each year. Therefore, when you requested information on "the 1981 READIEX and RIMPAC exercises" in your letter of June 20, 1981, I responded by telling you how information on all exercises is released to the public. There was no intent on holding information from you. I only assumed your question was more general in nature.

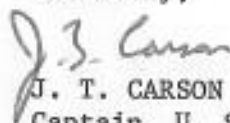
Regarding your specific question on READIEX 5-81 held during May 8-June 6, 1981, the news release announcing the exercise to the Hawaii media is enclosed, and the following information is provided:

- a. Kaula was used for approximately 15 hours from May 17-21.
- b. Approximately 180 inert (practice) bombs were dropped in the impact area of Kaula (roughly 10 acres on the southeastern tip of the island).
- c. Approximately 30 parachute flares were dropped in the airspace above Kaula.
- d. No ordnance was intentionally "used on or in the waters surrounding Kaula."

There were no accidents or unusual incidents reported during the Kaula training phase of READIEX 5-81; therefore, I estimate damage or disturbance to seabirds or their eggs was negligible.

Please feel free to contact Lieutenant Commander Jamie Davidson at 472-8513 any time you have questions concerning military training on Kaula.

Sincerely,


J. T. CARSON

Captain, U. S. Navy
Kahoolawe Project Officer

Encl:
(1) COMTHIRDFLEET News Release (PAO)

U S N HAWAII

U. S. THIRD FLEET PEARL HARBOR, HAWAII 96860

PUBLIC AFFAIRS OFFICE: 472-8371

CARRIER BATTLE GROUP TO EXERCISE

PEARL HARBOR, Hawaii (May 12, 1981)--10,000 sailors and airmen, 10 ships and more than 60 aircraft have left their west coast bases for a 30-day combat training exercise off the southern California coast and, in later stages, around the Hawaiian islands.

"Readiex 5-81" began May 8 and will finish about June 6. It was scheduled about a year ago by Commander Third Fleet, Vice Admiral Edward C. Waller, as part of annual readiness training.

It will be directed at sea by Rear Admiral Thomas F. Brown III, Commander Carrier Group One, aboard the aircraft carrier USS Coral Sea (CV-43).

This particular exercise is unique for several reasons. Because of their rigorous-deployment schedule aircraft carriers are not normally available for group training in the mid-Pacific. The last such group exercised in Hawaiian waters more than 15 years ago.

Having an exercise in mid-Pacific is desirable to test sustained performance over long periods of time and distance. In addition the combination of Barking Sands Pacific Missile Range on Kauai and the training island of Kahoolawe cannot be duplicated on the west coast.

Readiex 5-81 incorporates basic and intermediate-level exercise tests consisting of simulated electronic warfare and actual missile shots at target drones. Part of this training is underway combat systems tests while the ships are at sea.

All practice and tests are to mold a battle group into a coordinated team capable of protecting itself while retaining an offensive capability.

The battle group takes a break from training when they enter Pearl Harbor

for a unique port of call from May 22-26.

The port visit portion of the cruise has been dubbed "Aloha-81" and local tourist attractions on Oahu have made extensive plans to greet the ships and men with a special aloha welcome.

Aloha-81 represents a major effort by the Hawaii Visitors Bureau to welcome a carrier-led battle group. Although Oahu has a sizeable Navy community, there are no carriers homeported in Pearl Harbor. Occasionally a carrier will stop either on the way to, or coming back from, a western Pacific deployment.

Sailors visiting Hawaii during Readix 5-81 may take advantage of special tours and discount prices offered by Aloha and Hawaiian airlines; Bishop Museum; Paradise Park, Castle Park, Sea Life Park and Waimea Falls Park; Polynesian Cultural Center; and Gray Line Tours. Many hotels in the area have also extended special discounts to the Navy visitors.

Ships coming into Pearl will be met by the Pacific Fleet Band, hula dancers from Aloha and Hawaiian airlines and be presented with huge, ship-size leis to drape over their bows.

After the port call the men and their units will resume Readix 5-81 training around the Hawaiian islands. About June 6 the exercise terminates and the participants will return to their Hawaii, California and Oregon bases.

-30-

* EDITORS NOTE: COMMANDER THIRD FLEET PUBLIC AFFAIRS OFFICE WILL PROVIDE A BOAT FOR CAMERA PLATFORM WHEN THE SHIPS COME IN THE MORNING OF MAY 22. IF YOU DESIRE TO SEND A REPRESENTATIVE PLEASE CONTACT LCDR. ROGER COPELAND AT 472-8371 or 472-8233.



UNITED STATES PACIFIC FLEET
COMMANDER THIRD FLEET
PEARL HARBOR, HAWAII 96860

IN REPLY REFER TO:

FF/3
11015.4A
Ser 011K/ 909
13 JUL 1981

Ms. Barbara J. Johnsen
Corresponding Secretary
for the Board of Directors
Hawaii Audubon Society
Post Office Box 22832
Honolulu, Hawaii 96822

Dear Ms. Johnsen:

I hope the following answers the questions in your letter of June 20, 1981:

1. The sonar buoy network for Kaula has never been operational. The secure placement of the buoys is essential before the transmitters are installed.
2. For reasons of security, details of military exercises and ships' movements are not released to the public until 72 hours before the event. At that time, a news release detailing specifics of the event is distributed to all major media in Hawaii.

If you have any further questions about the military's use of Kaula, please call Lieutenant Commander Jamie Davidson at 472-8513.

Sincerely,

J. T. Carson
J. T. CARSON
Captain, U. S. Navy
Kahoolawe Project Officer



For the Protection of Hawaii's Native Wildlife

P.O. BOX 22832
HONOLULU, HAWAII 96822

HAWAII AUDUBON SOCIETY

August 21, 1981

Captain J.T. Carson
Kahoolawe Project Officer
United States Pacific Fleet
Commander Third Fleet
Pearl Harbor, Hawaii 96860

Dear Captain Carson:

In our letter of June 20, 1981 we requested information on the involvement of Kaula Island in the 1981 Readix and Rimpac exercises. In your response of July 13th (FF/3, 11015.4, Ser 011K/909) you stated that details of military exercises are not released to the public until 72 hours before the event. It has now come to our attention through the Lyle Nelson "The Armed Forces" column in the Honolulu Star-Bulletin that the Readix exercise was actually conducted in May 1981, a month before our inquiry of June 20th. To what extent was Kaula used in the Readix exercise of May 1981? Would you please provide us with the details of this involvement, including numbers of bombs dropped from aircraft and other ordnance used on or in the waters surrounding Kaula Island. How many seabirds or their eggs do you estimate were destroyed or displaced (if any) by this exercise?

Thank you for your assistance.

Sincerely,

Barbara J. Johnsen
Corresponding Secretary
on behalf of the Board of Directors



For the Protection of Hawaii's Native Wildlife

P.O. BOX 22832
HONOLULU, HAWAII 96822

HAWAII AUDUBON SOCIETY

May 16, 1981

Commander
Third Fleet
United States Navy
Pearl Harbor, Hawaii

Dear Sir:

The Board of Directors of the Hawaii Audubon Society would greatly appreciate receiving answers to the following questions relative to the Hawaiian seabird breeding site of Kaula Island.

1. Did practice bombing with "live" ordnance resume at Kaula at the beginning of May as previously planned in concordance with a Section 7 consultation under the Endangered Species Act?
2. Approximately how many "inert" bombs were dropped on Kaula during the period December 1980 through April 1981? Approximately how many high-intensity flares were used over the island during this period to aid in nighttime operations?
3. Was the sonar-buoy network installed and functional during the 1980-81 humpback whale breeding season, as previously agreed for the detection of whale activities and presence? What significant findings resulted from this monitoring system?
4. To what extent, if any, will Kaula and the adjacent waters out to three miles be used during the forthcoming fleet exercise named Readix 5-81? Will the annual Rimpac exercise involving vessels and aircraft of other nations utilize Kaula or the adjacent waters in any way?

Thank you in advance for your assistance with this request for information.

Sincerely,

Barbara J. Johnsen
Corresponding Secretary
on behalf of the Board of Directors

cc
The Honorable Cecil Heftel
The Honorable Daniel Akaka



UNITED STATES PACIFIC FLEET
COMMANDER THIRD FLEET
PEARL HARBOR, HAWAII 96860

IN REPLY REFER TO:

FF/3

11015.4A

Ser 01K/ 716

01 JUN 1981

Ms. Barbara J. Johnsen
Hawaii Audubon Society
Post Office Box 22832
Honolulu, Hawaii 96822

Dear Ms. Johnsen:

In response to your letter of 16 May 1981, the following information is provided:

1. Practice bombing with live ordnance did not resume on Kaula Island on 7 May 1981 and is not scheduled to commence until a special permit is received in connection with a study we will be conducting on the island.
2. There were 179 inert bombs and 38 high intensity flares utilized on Kaula Island during the period 1 Dec 80 to 1 May 81.
3. The sonar-buoy network is not operational due to the loss of the two hydrophone buoys during a storm. We will install a new buoy system prior to the next migration season of the humpback whales.
4. It has not been determined to what extent, if any, how much Kaula Island will be utilized during Readix exercises or the upcoming RIMPAC.

If I can be of any further assistance, please do not hesitate to write me.

Sincerely,

J. T. Carson
J. T. CARSON

Captain, USN
Kahoolawe Project Officer



For the Protection of Hawaii's Native Wildlife

P.O. BOX 22832
HONOLULU, HAWAII 96822

HAWAII AUDUBON SOCIETY

June 20, 1981

Captain J.T. Carson
Kahoolawe Project Officer
Commander Third Fleet
Pearl Harbor, Hawaii 96860

Dear Captain Carson:

Thank you very much for your letter of June 1, 1981 (FF/3, 11015.4A, Ser. 01K/716) responding to our questions about Navy practice bombing at the Hawaii State Seabird Sanctuary of Kaula Island. At this time, we would like to ask for your clarification with respect to two of the answers that you provided.

1. Was the sonar-buoy network for Kaula ever in full operation and, if so, during what specific time periods?
2. As soon as you have determined to what extent Kaula will be used during the 1981 Readex and RIMPAC exercises, we would appreciate being provided with this specific information.

Thank you for your continuing help in this important matter relating to the conservation of native Hawaiian wildlife.

Sincerely,

Barbara J. Johnsen
Corresponding Secretary
for the Board of Directors



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809
July 23, 1981

SUSUMU ONO, CHAIRMAN
BOARD OF LAND & NATURAL RESOURCES

EDGAR A. HAMABU
DEPUTY TO THE CHAIRMAN

DIVISIONS:
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

Ms. Barbara J. Johnsen
Corresponding Secretary
Board of Directors
Hawaii Audubon Society
P.O. Box 22832
Honolulu, Hawaii 96822

Dear Ms. Johnsen:

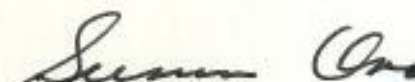
This responds to your letter of July 11, 1981 asking whether the U.S. Navy has requested a permit from this Department to take or disturb seabirds on Ka'ula Island incidental to their military activities.

No such permit has been requested. At the present time there is some legal question as to the ownership of Ka'ula Island and whether this Department has the authority to include the island in the Hawaii State Seabird Sanctuary and regulate activities there. We have asked the Office of the Attorney General to investigate this question, but as yet we have not resolved the issue. Also, for your information, no detailed study has been made to determine if and to what extent the bombing activities in fact result in the taking of seabirds using the island.

In view of the above, it would be premature for this Department to take action implementing provisions of Chapter 191, H.R.S. and to question the U.S. Navy on the subject of permits to support their activities involving Ka'ula.

I ask for your understanding of this complex issue.

Very truly yours,


SUSUMU ONO
Chairman



National Audubon Society

Western Operations

555 AUDUBON PLACE • SACRAMENTO, CALIFORNIA 95825 • (916) 481-5335

November 7, 1980

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

Dear Mr. Balazs:

Thank you for sending Mr. Howard the copies of correspondence between Lynn Greenwalt and you. You are to be commended for your work on the problem of Kaula Rock and we do appreciate your efforts.

Mr. Howard is retiring from the Society and has submitted his resignation. All matters concerning Hawaii are being handled by the Western Regional Representative, Dr. Richard Martyr, and I am, therefore, referring your letter to him for his information.

Sincerely,

Gwen Ross
Secretary to Paul Howard
Vice President

cc: Dr. Richard Martyr

29 December 1980
992-A Awaawaanoa Place
Honolulu, Hawaii 96825

Mr. Richard Myshak
Associate Director
Fish and Wildlife Service
Washington, D.C. 20240

Dear Mr. Myshak:

In your letter of 18 November 1980 (copy attached), you indicated that solicitors of the Fish and Wildlife Service were investigating legal questions relating to the need for an EIS for the action of issuing a 2-year permit to the Navy to take seabirds by live practice bombing at Kaula islet. If this investigative review has now been completed, I would appreciate being informed of the results. As the President-elect of the Hawaii Audubon Society, I would also be grateful to receive copies of the permit for Kaula, if and when it is issued, and the formal research plan that is adopted.

Thank you for your continuing assistance, and early response to this request.

Sincerely,


George H. Balazs

cc
Sierra Club, Hawaii Chapter
Conservation Council of Hawaii
Greenpeace Hawaii



United States Department of the Interior

FISH AND WILDLIFE SERVICE
WASHINGTON, D.C. 20240

ADDRESS ONLY THE DIRECTOR
FISH AND WILDLIFE SERVICE

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



United States Department of the Interior

ADDRESS ONLY THE DIRECTOR,
FISH AND WILDLIFE SERVICE

FISH AND WILDLIFE SERVICE
WASHINGTON, D.C. 20240

JAN 30 1981

In Reply Refer To:
FWS/MBMO

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

Dear Mr. Balazs:

Thank you for your letter of 29 December 1980, regarding proposed research at Kaula Island, Hawaii.

After consideration of NEPA requirements, the opinion of our staff specialist, with concurrence of the Department of Interior Solicitor's Office, is that the Navy's current EIA is adequate for purpose of granting a 2-year research permit allowing the take of migratory birds incidental to live practice bombing activities carried out in conjunction with a study to better assess the environmental impacts of these activities. At the conclusion of such a study, any application by the Navy for a special purpose permit to allow continuation of the bombing beyond the study period would have to be accompanied by a revised EA or EIS incorporating the results of the proposed research.

A copy of the Navy's research permit, if and when it is granted, can be obtained from the Special Agent-in-Charge, U.S. Fish and Wildlife Service, 500 N. E. Multnomah St., Portland, OR 97232.

The Navy's research proposal is currently under review by our Office of Migratory Bird Management. When and if it is finalized, you should request a copy from the Office of the Chief of Naval Operations, Occupational Safety and Environmental Protection Division, Room BD 766, Pentagon, Washington, D.C. 20350.

Again, thank you for your interest and concern.

Sincerely yours,

Robert E. Silman
Acting Associate Director, Wildlife Resources

November 29, 1980
992-A Awaawanoa Place
Honolulu, Hawaii 96825

Mr. Susumu Ono, Chairman
Board of Land & Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ono:

I want to thank you for your letter of November 17th responding to my inquiry about the State administration's official position with respect to Navy practice bombing at our seabird breeding site of Kaula islet.

The direct killing of seabirds by bombs at Kaula is of course of considerable concern to me. Without the proper permits, this has clearly been an unacceptable and illegal activity under both state and federal laws. However, in terms of impacts and alterations to the breeding populations of Kaula in their entirety, the far more important factor is the suppressed productivity that could logically be expected to result from the cumulative effects of repeated bombing, jet aircraft overflights, and high intensity nighttime flares. The joint study being undertaken by the Fish and Wildlife Service and the Navy will not be able to address this fundamental question, so long as bombing practice continues to take place. With continued bombing, it will be impossible to determine overall impacts because no baseline data will exist for comparative purposes.

Although the Fish and Wildlife Service and the Navy may not recognize the applicability of DLNR Regulation 7 to Kaula due to questions of the islands legal ownership, they must certainly be aware of Chapter 191 of Hawaii Revised Statutes which also protects Hawaiian seabirds and requires state issued permits for certain activities. Both the Fish and Wildlife Service and the Navy have cooperatively undertaken this study, therefore it would seem necessary for both agencies to apply for a state permit. You stated in your letter that no permit requests have been received in this matter. Since permits issued under the Migratory Bird Treaty Act by the Fish and Wildlife Service are only valid when the necessary state permits have been obtained, it would appear that the Fish and Wildlife Service is in violation of its own regulations. I hope that you will investigate and, if called for, legally pursue this matter to the fullest extent possible under your authority.

I have enclosed several items relating to Kaula that I thought you would find informative. In my recent letter to Representative Heftel, please note my statements on the pressing need for the Navy and the Fish and Wildlife Service to prepare an EIS at the present time in order to substantiate their contention that bombing practice is absolutely necessary at the Kaula seabird breeding site.

I would appreciate learning of the course of action you follow as this matter continues to progress.

Best regards and Aloha,

Sincerely,


George H. Balazs



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

JAN 19 1982

1982 JAN 22 11 10-10

Honorable Daniel K. Inouye
United States Senate
Room 105, Russell Senate Building
Washington, D.C. 20510

Dear Senator Inouye:

Your letter of December 5, 1981, to the Congressional Liaison of the Department of the Interior was forwarded to this office for reply. Enclosed with your letter was a letter from Barbara J. Johnsen, Corresponding Secretary for the Hawaii Audubon Society, concerning the use of Farallon de Medinilla Island in the Northern Mariana Islands, Trust Territory of the Pacific Islands, by the Department of Defense as a target range. She quotes from an attached letter from the Department of Defense stating: "Farallon de Medinilla is not regarded as a domestic U.S. territory and consequently falls outside the purview of the U.S. laws and regulations governing the requirement for environmental assessments and impact statements." She asked if the above statement was in fact the case. Additionally, she asked if the Endangered Species Act and the Migratory Bird Treaty Act apply to the Northern Mariana Islands.

We do not know what the phrase "domestic U.S. territory" in Ms. Johnsen's letter means. Nor do we know what is meant by "other non-domestic U.S. territories that are considered by the Navy as being outside the purview of U.S. laws and regulations." The Department of Defense will have to provide that information.

Although the Northern Mariana Islands are governed separately from the rest of the Trust Territory by their own elected officials under their own Constitution, they are still a part of the Trust Territory. Farallon de Medinilla is an uninhabited, rocky island about 0.35 square miles in size located approximately 45 miles northnortheast of Saipan.

The Endangered Species Act (16 U.S.C. § 1531 et seq.) is applicable by its terms to American Samoa, the Virgin Islands, Guam and the Trust Territory of the Pacific Islands (16 U.S.C. § 1532(12), (16)). Since the Northern Mariana Islands are still a part of the Trust Territory, the law is applicable to it. The law is also applicable to the Northern Mariana Islands pursuant to Section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States (48 U.S.C. § 1681n). The Covenant also provides for the leasing of Farallon de Medinilla Island by the United States to be used for defense purposes (Sections 802(a)(3) and 803(b)(3)).

The Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.) is also applicable to the Trust Territory. The Convention between the Governments of the United States and Japan for the protection of migratory birds and their environment executed on March 4, 1972, states that the Convention applies to all areas of the United States and its possessions including the Trust Territory (Article 1(a)). This Treaty was implemented by U.S. law (16 U.S.C. § 703). The Treaty on Migratory Birds between the U.S. and USSR executed on November 11, 1976, applies to all areas under the jurisdiction of the United States (Article I, Section 4(a)). The United States has full jurisdiction over the Trust Territory (Trusteeship Agreement, Article 3). This Treaty was implemented by U.S. law (16 U.S.C. § 712, Supp. II, 1978), and the Department of State acknowledges that these treaties are applicable to the Trust Territory. [See the United States 1980 report to the United Nations on the Trust Territory of the Pacific Islands, Part XII, Appendix A: U.S. Treaties and other International agreements having application to the Trust Territory, at pages 137 and 140.]

If you have any questions or if we may provide additional assistance, please let me know.

Sincerely,


SOLICITOR