

# Pacific Seabird Group



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

Dr. Patrick Jodice  
Chair  
South Carolina Cooperative  
Fish & Wildlife Research Unit  
Clemson University  
Clemson, SC 29634  
864-656-6190  
PJodice@clemson.edu

Craig S. Harrison, Esq.  
Vice-Chair for Conservation  
4953 Sonoma Mountain Road  
Santa Rosa, CA 95404  
202-778-2240  
charrison@hunton.com

Kim Rivera  
Chair-Elect  
NOAA Fisheries  
709 West 9th, Room 461  
Juneau, AK 99802  
907- 586-7424  
Kim.Rivera@noaa.gov

fax: 808-792-9580

November 29, 2010

Loyal Mehrhoff  
U.S. Fish & Wildlife Service  
300 Ala Moana Blvd., Room 3-122  
Honolulu, Hawaii 96850

## **Re: Draft Habitat Conservation Plan for Kauai Island Utility Cooperative**

Dear Ms. Mehrhoff:

On behalf of the Pacific Seabird Group (PSG), we offer these comments on the proposed Habitat Conservation Plan (HCP) that has been submitted by the Kauai Island Utility Cooperative for public review. The HCP describes actions that the utility will implement to minimize, mitigate and monitor the incidental take of species listed under the Endangered Species Act. USFWS provided notice of the availability of these documents in the Federal Register on October 13, 2010. PSG is an international, non-profit organization that was founded in 1972 to promote the knowledge, study, and conservation of Pacific seabirds. It has a membership drawn from the entire Pacific basin, including Canada, Mexico, Russia, Japan, China, Australia, New Zealand, and the USA. PSG's members include biologists who have research interests in Pacific seabirds, government officials who manage seabird refuges and populations, and individuals who are interested in marine conservation. PSG has long been concerned about the protection of threatened and endangered seabirds on Kauai, especially Newell's shearwaters (*Puffinus auricularis newelli*). PSG has sent numerous letters to USFWS and to the Kauai utility during the past decade on seabird conservation issues. For example, on October 13, 2004 we provided comments on scoping for a National Environmental Policy Act (NEPA) review of this HCP pursuant to a notice in 69 Fed. Reg. 42,447-49 (July 15, 2004). We are frustrated and disturbed that this process has already taken over six years.

We understand that the draft HCP is in support of a proposed incidental take permit for the utility. We also understand that the incidental take permit is an interim step that will last three to five years during which time extensive studies will be undertaken to improve both our

knowledge and, we hope, the conservation of the endangered Hawaiian petrel (*Pterodroma sandwichensis*), the threatened Newell's shearwater, and the band-rumped [Harcourt's] storm-petrel (*Oceanodroma castro*), a candidate species. After the interim permit expires, it is anticipated that it will be superseded by a more robust HCP. Here, we focus on Newell's shearwaters because that species seems to have the gravest conservation issues at this time.

In general, PSG supports the conservation measures in the draft HCP; while imperfect, they are progress over the status quo. We believe that the necessary resources (utility, federal and state) should be devoted to understand fully all aspects of the biology and the conservation problems of these seabirds on Kauai. In that regard, we agree that it is apparent to all concerned "that scientific information relevant to developing an effective conservation program . . . was lacking" (HCP, p. 5-1). During the autumn fledging season, Newell's shearwaters and Hawaiian petrels heading to sea are attracted to bright lights such as street lamps and hotels and resorts. Trapped in the glare, confused birds circle repeatedly until they fall to the ground from exhaustion or strike buildings. The Save Our Shearwater program has operated since the 1980s and has retrieved and released 30,000 of these downed shearwaters. There has been a necessary focus on the light attraction issue, but it is not clear that this is the only problem that is contributing to apparent declines in the Newell's shearwater population. PSG strongly believes that "success" requires an accurate diagnosis of all pertinent conservation issues. We recommend the focus on burying or moving transmission lines inland and dimming lights should be prioritized and addressed, but we believe that other challenges to understanding the population and threats to these seabirds need to be fully explored before threats can be successfully mitigated.

We support improved population estimates of Newell's shearwaters. Newell's shearwaters were once part of the diet of native Hawaiians, and were thought to be near extinction until a pig hunter in the Anahola Mountains on Kauai discovered a colony in July 1967. In the late 1980s it was thought that there were 4,000 to 6,000 pairs (Harrison, C. S., *Seabirds of Hawaii* 1990, p. 57).<sup>1</sup> The center of its range is on Kauai, largely because Indian mongooses have not become established there. The colonies are very difficult to find and census, which makes accurate population estimates difficult. Spear's at sea analyses estimated that there were 84,000 individuals in 1995 (HCP, p. 3-22). From "near extinction" in 1967 to 84,000 only 28 years later suggests either that there are very large fluctuations in the population of this species or that our estimation procedures need to be greatly improved. Radar studies indicate a decline during the past decade (HCP, p. 3-22), as much as 75% between 1993 and 2008 according to some estimates, but we understand that there have been no radar studies on half of Kauai. While the late 1980s population estimate may have been low (the mid-point estimate would be 5,000 pairs, or about 20,000 individuals if we assume the non-breeding and breeding populations are about equal), the possibility must be considered that Spear's 84,000 estimate was much too high and that differences in estimation techniques might account for some of the apparent population decline. The HCP notes a decline in the number of fledglings retrieved by the Save Our

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<sup>1</sup> These estimates were made by Tom Telfer, Hawaii Division of Forestry and Wildlife, and John Sincock, USFWS.

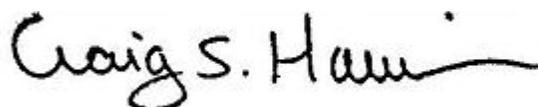
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Shearwater program (p. 3-22), but relating this decline to the population seems misplaced. There have been significant and expensive efforts to diminish the attraction of fledgling Newell's shearwaters to lights and human structures; we understand that the utility replaced all streetlights on the island with shielded lights many years ago to address this issue. If these efforts were successful, there is currently less light pollution than a decade ago and, therefore, fewer fledglings are attracted to lights. Clarifying this issue is important, so that conservationists and agencies don't spend a lot of time and money unnecessarily fighting a battle that has already been won. If additional shielding is needed, it may require homes and other businesses to shield their lights. As for remedying the population estimate problem, we strongly suggest that all radar data be made available immediately to anyone who wishes to review and analyze it. We understand that there have been many unpublished studies in recent years, including some by the Kauai Endangered Seabird Recovery Project, that are unavailable to the general public. It is important to the conservation community that this information be released.

PSG endorses studies to determine the extent of egg, chick and adult losses from predators such as feral cats, dogs, rats, pigs and owls. Rat and pig populations may have exploded with the demise of the sugar cane industry and the absence of efforts by cane workers to control them. Biologists have observed extensive predation of Newell's shearwaters by owls (Bob Day, pers. comm.). We agree that rat control is unlikely to be efficacious if biologists are not allowed to employ aerial broadcasting of the most effective rodenticides (HCP, p. 5-4). Where feasible, efforts should be made to minimize or eliminate threats from predators. Finally, where feasible, a cross-fostering program should be undertaken at suitable predator-free locations throughout Kauai. In the late 1970s, Vernon Byrd successfully persuaded Newell's shearwaters to nest at Kilauea Point National Wildlife Refuge where terrestrial predators such as rats, cats, dogs and pigs are easily controlled.

Thank you for the opportunity to comment on the draft HCP. PSG would like to be involved in finding additional ways to improve the conservation of the three seabirds covered by the HCP. We are aware that Kauai Endangered Seabird Recovery Project, USFWS and Hawaii Division of Forestry and Wildlife are preparing an action plan that is intended to guide recovery actions for Newell's shearwaters and Hawaiian petrels during the next five years and PSG intends to participate in the review of those plans. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Craig S. Harrison". The signature is written in a cursive, flowing style with a long horizontal flourish at the end.

Craig S. Harrison  
Vice Chair for Conservation