



## A Statement on Proposed Private Lands Initiatives and Reauthorization of the Endangered Species Act from the Meeting of Scientists at Stanford University

by Peter Brussard, Gary Meffe, Dennis Murphy, Barry Noon, Reed Noss, James Quinn, Katherine Ralls, Michael Soule, and Richard Tracy<sup>1</sup>

When the Endangered Species Act was authorized in 1973, Congress charged the Departments of the Interior and Commerce to conserve the ecosystems upon which threatened and endangered species depend, and to do so "using the best available scientific and commercial data." Despite remarkable growth in our scientific understanding of the conservation needs of threatened and endangered species during the past two decades, controversy continues to surround the Act, especially as it affects the use of private land. The Act's provisions for the treatment of imperiled species on private land are of major conservation concern both because, according to some estimates, more than half of all listed species occur wholly on private land, and because listed species on private land are faring worse in general than those on federal lands.

Various bills recently introduced in Congress propose changes in the Act's provisions for treating listed species on private land. The private lands provisions proposed in draft legislation would modify the habitat conservation planning (HCP) language of Section 10 (a) of the Act. The HCP process was designed to mitigate substantially the impacts of otherwise legal activities on listed species. However, many recent HCPs have been developed without adequate scientific guidance, and there is growing criticism from the scientific community that HCPs have the potential to become habitat giveaways that contribute to, rather than alleviate, threats to listed species and their habitats.

The proposed new provisions have the potential to either improve or worsen the conditions of listed species on private lands, depending on whether or not habitat con-

servation planning and management are based on objective scientific evidence and methods. To provide guidance on the scientific implications of proposed private lands provisions, a group of nationally respected conservation biologists met at Stanford University in February. Among the undersigned are ecologists and geneticists with extensive experience in conservation planning for imperiled species. Our group includes individuals with widely differing positions on how best to achieve the goals of the Endangered Species Act. The diverse composition of our group should give weight to our conclusions.

In considering private land conservation planning initiatives, we restricted ourselves to five agenda items that recur in draft bills and on-going discussions in congressional and conservation circles: (1) the "no surprises" policy, (2) multiple species conservation planning, (3) "safe harbor" initiatives, (4) prelisting agreements, and (5) small-parcel landowner initiatives. We understand that this is not an exhaustive list of potential private lands policies and programs. We also recognize that there is overlap among many of the proposed provisions; for example, the "no surprises" policy is often viewed as an obligatory component of the other proposed provisions.

As the following discussion makes clear, we believe that the current proposed private lands amendments to the Endangered Species Act will not further the Act's goals unless those measures are implemented in a scientifically sound manner. However, our group believes that with essential stipulations, "landowner-friendly" initiatives can assist in meeting our nation's goal of protecting its unique and valuable natural heritage.

### No surprises

More aptly labeled "fair assurances" to landowners, "no surprises" policy promises that if private landowners protect tar-

geted species under a Habitat Conservation Plan or the equivalent, they then will not have to underwrite future conservation requirements that may develop due to new information or changed circumstances. Should the species require further conservation efforts, the costs would be largely borne by the public rather than the landowners.

A "no surprises" policy is troubling to scientists because it runs counter to the natural world, which is full of surprises. Nature frequently produces surprises such as new diseases, droughts, storms, floods, and fire. The inherent dynamic complexity of natural biological systems precludes accurate, specific prediction in most situations; and human activities greatly add to and compound this complexity. Surprises will occur in the future; it is only the nature and timing of surprises that are unpredictable. Furthermore, scientific research produces surprises in the form of new information regarding species, habitats, and natural processes. Habitat Conservation Plans, therefore, are inevitably developed and authorized under conditions of substantial uncertainty and may ultimately prove inadequate. Unless conservation plans can be amended, habitats and species certainly will be lost.

We appreciate that the "no surprises" policy is not a guarantee that conservation plans will not change, but a contractual commitment to shift some of the financial burden of future changes in agreements to the public. In that light, the following features should constitute minimum standards for HCPs with "no surprises" assurances. First, it must be possible to amend HCPs based on new information, and it should not require "extraordinary circumstances" to do so. Second, to underwrite program changes when parties other than the landowner request and justify them, there must

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# Editorial

by Linda Paul, HAS President

During this past legislative session members of the Society worked hard to fix a very bad bill, H.B. 1292 and its companion S.B. 1089, which were introduced to permit landowners to take endangered species in exchange for certain unenforced plans and agreements. (See article on Habitat Conser-

vation Plans and Safe Harbor Agreements on page 111.) Unfortunately, the bill passed and is now awaiting the Governor's signature. The fundamental flaws in H.B. 1292 can be summed up as follows:

- H.B. 1292 permits the taking of threatened and endangered species for the first time under state law without any effective safeguards against abuse of the licensing process.

- Under the guise of providing "incentives" to landowners, the "Habitat Conservation Plans" and "Safe Harbor Agreements" lock the state into a fixed course of action for a long period of time.
- The plans cannot be changed even if they prove harmful to endangered species and their habitats except under "extraordinary new circumstances" and with almost all of the costs paid for by the taxpayers.
- The Legislature did not even discuss what the production, administration, monitoring, and enforcement costs of these plans and agreements will be or whether there will be state funds to pay for them.
- The administrative "enforcement" provisions have so many built-in delays and encumbrances that there is no real enforcement.
- There are no real penalties for violation of the plans and agreements upon which the license to take endangered species was conditional.
- There is no requirement that there be a permanent net gain in habitat for our native species.
- The plans are open to public review only after they are completed and after the Board of Land and Natural Resources (BLNR) has indicated its intent to adopt the plans, thus encouraging needless confrontation.
- All plans, good and bad, are submitted to the BLNR, which lacks the expertise to evaluate the plans' long term effect on Hawaii's endangered species and habitats.
- The bill permits closed-door secrecy between a state agency and private landowners that works against the creation of good plans and contributes to the public disillusionment with government and its leaders.
- Landowners are allowed to breach the terms of a plan with impunity as long as the effect will not "diminish the likelihood that the plan will achieve its goals." Who is to make this determination? Why isn't the violation of the terms of a licensing agreement a violation of state law?

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- There is no real emergency injunctive relief to preserve the status quo if something goes wrong. Only the courts are set up to act quickly with established legal standards to accomplish this.
- Without an attorney's fees and costs provision, the guy with the deep pocket will always win and our native species and their habitats will always lose.

The members of Hawaii Audubon Society believe that landowners should be encouraged to be good stewards of our endangered species and their native habitats. However, we believe it would be far more effective, and include many more landowners, if those incentives took the form of estate tax and county property tax relief.

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be a source of adequate, assured funding that is not subject to the vagaries of the normal appropriation processes. We expect that the costs of fixing inadequate HCPs may be substantial. Third, mechanisms to ensure that long-term conservation plans will be monitored adequately are essential. Monitoring habitat changes or ecosystem functions cannot substitute for the monitoring of target species. Moreover, new scientific information from monitoring should be incorporated into management as that information becomes available. Fourth, HCPs must clearly articulate measurable biological goals and demonstrate how those goals will be attained under the plans. Plans should not undermine the recovery of listed or vulnerable species. Fifth, assurances to landowners should only be extended for those targeted species for which the plan articulates species-specific goals that further conservation in a regional context, rather than in a local, piecemeal fashion.

#### Multiple-species HCPs

Although Habitat Conservation Plans originally focused on individual species in local areas, today many planners are finding it preferable (biologically and often economically) to plan for multiple species over entire regions. In the absence of scientifically credible recovery plans, multiple-species HCPs should clearly articulate conservation goals and must demonstrate their contribution to the conservation or recovery of targeted species. In addition, multiple-species HCPs should assume an extra

burden of rigor, requiring independent scientific review of goals, design, management, and monitoring. There should be a standing body of independent scientists to establish minimum scientific and management standards for multiple-species HCPs. The comprehensiveness of independent scientific review should be appropriate to the size and duration of the plan.

Multiple-species Habitat Conservation Plans cannot be based solely on the distribution and extent of different habitat types because this information does not yield effective predictions of the distribution and abundance of individual species. Such HCPs, therefore, must focus on specific target species, such as endemic, listed, indicator, and keystone species. If one species is chosen as an indicator of the status of another species of conservation concern, the plan should validate the connection between them. Species that are critical for ecosystem integrity, whether or not they are listed as endangered or threatened, should be among the indicators chosen. In addition, the viability of all target species "covered" by a plan must be considered in a greater regional context, often well beyond the boundaries of the planning area itself. Adequate distributional and ecological information should be made available to assess the plan's impacts on all covered species. Multiple-species HCPs must include adequate research and monitoring programs. The target species covered by the plan, such as endemic, listed, indicator, and keystone species, must be monitored individually. Plans also must include an adaptive management program, so that management can be improved in the light of new information obtained by monitoring or other means. As is the case for "no surprises," besides being amendable, multiple-species HCPs must have an assured source of funds to support potential amendments.

#### Safe harbor initiatives

"Safe harbor" initiatives encourage private landowners to increase the amount of habitat available to endangered species. In the past, many landowners have been reluctant to restore or enhance habitat for fear of incurring added regulatory burdens that will curtail future use of their property. Under "safe harbor" policy, the landowner is obligated to maintain only the baseline utilization of the property by the species prior to habitat improvements, which means that the landowner will be free to undo those improvements at a later date. Most of our

group believes that deleterious consequences to protected species from "safe harbor" initiatives will be infrequent and that "safe harbors" could prove to be an important inducement to overcoming landowner unwillingness to take actions beneficial to imperiled species.

Nonetheless, two concerns should be addressed in "safe harbor" agreements. First the concepts of "baseline population and utilization" require a clear definition. Sources of scientific uncertainty should be addressed in defining the baseline status of species, just as for the "no surprises" policy. The determination of the "safe harbor" baseline depends on reliable survey techniques and scientific interpretation. Second, some species may be better candidates for "safe harbor" agreements than others as a result of their distribution, resource needs, and habitat area requirements. Species are distributed across diverse landscapes with habitat areas of varying quality. In addition, species vary widely in their ability to move from one area of habitat to a neighboring one. Thus, we believe that the value of "safe harbor" agreements must be evaluated on a species-by-species basis. In the absence of scientifically credible recovery plans, "safe harbor" agreements should document their potential contributions to the conservation or recovery of target species within an entire region rather than on a single piece of private property.

#### Prelisting agreements

Under a prelisting agreement, a landowner would take actions to benefit an unlisted rare or declining species before it is listed. This has the potential to benefit species conservation because a species is afforded no protection on private land under the Endangered Species Act until it is listed. Nevertheless, prelisting agreements must not become an easy substitute for necessary listings.

Prelisting agreements often will be negotiated in the face of significant levels of scientific uncertainty — we know little about many of our listed species, less yet about many unlisted species. Because prelisting agreements should benefit species, we recommend an enhanced level of attention and critical review of the biological circumstances under consideration in proposed prelisting agreements. The federal government will have to deal with an inevitable shortfall of information; that situation can be partially corrected by (1) developing the most complete database pos-

sible to inform the decision, (2) clearly articulating how the prelisting agreement will benefit the targeted species, and (3) applying the necessary concomitants of the "no surprises" policy. The latter should include an ability to amend agreements, the availability of funding to support amendments, adaptive management with effective program monitoring, sufficient consideration of the regional planning context, and independent scientific review.

#### **Small-parcel landowner initiatives**

Considering the cost, complexity, and time required to complete Habitat Conservation Plans and implement them, the idea of expediting the permitting process for small landowners is attractive. But we note that in many areas with imperiled species, private landholdings consist almost entirely of small parcels; in addition, when both large and small parcels are interspersed, the small parcels may contain most of the key habitat. Either way, the cumulative impacts of many small projects on imperiled species may be substantial. In addition, the relative impacts of small landowner activities vary greatly depending upon which endangered or threatened species live on their land. The loss of but five acres of remnant habitat could doom to extinction more than a few listed species. We are concerned that expediting the permitting process could come at a significant cost to species persistence. Our group believes that any policy that allows for expedited HCPs should also require that such agreements not compromise the viability of targeted species within the planning region, and should explicitly consider and limit cumulative deleterious effects from incremental habitat losses. If a recovery plan exists, expedited HCPs must be consistent with the plan. Otherwise, to ensure coordination of existing and future HCPs, a regional analysis of species status should be required before any expedited HCPs or exemptions are considered.

#### **Independent scientific review**

While Habitat Conservation Plans and other conservation agreements that we have discussed above may offer promise for improved species protection on private and other non-federal lands, serious questions remain about their effectiveness for long-term species conservation and recovery. Because many recovery plans and HCPs lack scientific validity, because the private lands proposals discussed above remain largely untested, and because endangered

species protection and recovery must be based on the best available science, we believe that independent scientific review must become an essential step in the implementation of the Endangered Species Act. Such review should be carried out by scientists with no economic or other vested interests in the agreement. It is critical to start the review process early in the project, including the design phase.

#### **Conclusion**

Finally, while not strictly a "science" issue, we strongly agree that implementation of the Endangered Species Act would be immensely improved if funding were increased and agency staff were better trained. We agree that better enforcement of the Act's prohibitions by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service would benefit listed species. We also agree that the Act's goals are compromised by conflicting laws and regulations that encourage actions that directly and indirectly contribute to species endangerment. And, we concur that a wide array of incentives and inducements for better Act compliance by private parties could serve to benefit species conservation greatly if implemented in a scientifically responsible manner.

We hope that these observations and our scientific recommendations above will help Congress to enact legislation that will make the Endangered Species Act more acceptable to private landowners while strengthening the protection of species and habitats on private lands.

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## **Conservation Committee Report**

by Dan Sailer, Conservation Chair

As a new conservation chair, my primary objective was to step up HAS participation in the environmental planning process at both the state and county level. A secondary objective was to expand our outreach efforts to increase public support for native habitat and wildlife protection. The first objective is largely being accomplished through participation in the environmental impact review process. The second objective remains to be fulfilled through participation in the upcoming summer fair season and other projects. HAS participation in the environmental planning process is important given the fact that the United States Fish and Wildlife Service is often the only other agency or organization who consistently comments on various projects for the benefit of native flora and fauna. For HAS, the process entails monitoring environmental assessments and environmental impact statements for their effects on native habitat and wildlife, and voicing appropriate and constructive HAS concerns. The following activities highlight these and other actions since June of 1996.

On the Big Island, we supported feral ungulate control efforts at the Hakalau National Wildlife Refuge, the Puu Waawaa Wildlife Sanctuary, and most recently on the grounds of Kulani Correctional Facility.

On Maui, we opposed the destruction of a natural wetland for the Weleka'aho Village Project, and supported fencing efforts in the East Maui Watershed Area, as well as ongoing management efforts by the Nature Conservancy of Hawaii at their Kapunakea Preserve. Also on Maui, we expressed our reservations over the proposed expansion of Kahului Airport and outlined our concerns over the airport's hazing plan. We were successful in assisting the U.S. Fish and Wildlife Service in obtaining funds from the Packard Foundation for a covered kiosk area at the Kealia Pond National Wildlife Refuge. The kiosk is part of an ongoing boardwalk project through the seaward portion of the refuge.

On Moloka'i, we opposed the filling of a natural wetland near Kaunakakai. We were also supportive of a project to enhance the degraded Ohiapilo seasonal wetland.

On Lana'i, we were encouraged by the Nature Conservancy of Hawaii's management plans for their Kanepuu Preserve and look forward to their reforestation efforts and the possible reintroduction of dark-rumped petrels to the area.

Also encouraging was the proposed Ocean Management Plan to prevent over-fishing at Kaho'olawe. Adequate food resources will be essential for successful recolonizations by seabirds at that island.

O'ahu too saw its share of promises and disappointments. We submitted comments on a large flood control project to be built next to the Honouliuli Unit of the Pearl Harbor National Wildlife Refuge, and HAS is continuing to monitor environmental restoration efforts at Bellows Air Force Station. We also strongly supported state efforts to fence the Pahole Natural Area Reserve. The active management of Pahole, as well as the adjacent Makua Valley and other military training areas by the Army is certainly one of the more encouraging developments on O'ahu. We hope that this degree of management continues to be extended to the Natural Area Reserves and military training areas on all neighboring islands.

Continuing to be an ongoing problem in 1996 were repeated sewage discharges into Salt Lake and its remnant wetland. Along with state and federal resource agencies, HAS participated in a Watershed Education Day at the Honolulu International Country Club. Its purpose was to educate area schoolchildren about water quality problems as well as the endangered waterfowl and other aquatic animals residing in the area. The Army is currently upgrading its infrastructure to address their wastewater problems in the neighboring housing area.

In a hollow victory, the Society was able to attach a number of permit conditions to the Le Jardin school's new site at the old Kailua Drive Inn overlooking Kawai Nui Marsh. While we, along with other conservation organizations, were unable to prevent the school from being built in this ecologically sensitive area, the various permit conditions, mitigation measures, and enforcement provisions should help to safeguard the wetland's natural resources. While ground breaking was scheduled for this fall, it appears that construction will be delayed till next year. We look forward to the restoration of the marsh given the recent state legislative approval of needed matching funds.

## Birdathoners Get Ready to "Put a Feather in Your Father's Cap"

by Susan Elliott Miller

They'll be doing it on Hawai'i, on Maui, on Kaua'i, and on O'ahu on Saturday, June 14, 1997 (the day before Father's Day) — having some family fun at a fund-raiser! Frances Benevides on the Powerline Road off the Saddle Road, Reggie David at an-yet undisclosed site on Maui, Tom Snetsinger on Kaua'i, and Dr. Alan Ziegler's fossil-bird hunting field trip to the Ewa sink holes. Even if you've done birdathons before, this one will be different!

Other trips on O'ahu include the Waialua lotus ponds with Linda Shapin (good waterbirds, sometimes migratory shorebirds). Additional O'ahu sites looking for leaders at press-time (mid-May) are Kawai Nui Marsh, Ho'omaluhia, Ka Iwi, Koko Head Botanical Garden, and Kapiolani Park/Honolulu Zoo.

The annual Birdathon is a traditional Audubon Society activity in which half the proceeds support a National Audubon Society activity (in this case protection of Important Bird Habitats) and half the proceeds go to an activity of Hawaii Audubon Society. This year organizers have chosen to support "Paradise Pursuits" - a program now in its sixth year.

On Kaua'i, HAS continues to monitor ongoing hazing efforts at Lihu'e Airport to prevent airstrikes between birds and aircraft. We are also monitoring ongoing state management efforts to enhance the Kawai Ele Marsh and were recently supportive of efforts to enhance the Kekaha Game Management Area for gamebirds.

On a statewide level, HAS submitted comments on several proposed policy guidelines regarding the management of Natural Area Reserves, riparian areas, and the commercial use of state hiking trails. We also requested the state to revise its permitting procedures following the improper use of Okala Islet off Moloka'i for a one-time commercial use. Okala Islet is one of the state protected offshore seabird sanctuaries.

Here's how you can participate:

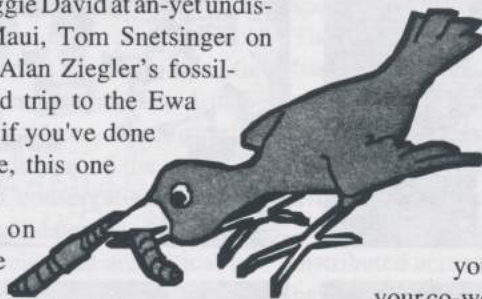
Birdathoners of all ages will ask sponsors to make monetary pledges for every species seen during one of a number of walks or hikes being scheduled for June 14th. Participants can sign up through the HAS office for a trip of their choice and pledge forms will be sent to them. (You don't have to be an Audubon member to be a birdathoner.) Then the fun begins! Get your mother, your spouse,

your neighbor, your boss,

your co-workers to pledge. After you have enjoyed your chosen trip, your leader will sign a certificate as to the number of species you saw. Take that back to your sponsors, collect the money and turn it into the HAS office by the end of June.

Your support (and that of your sponsors) will be noted in the August-September 'Elepaio. Also, prizes will be offered for seeing the most species, raising the most money, being the oldest or youngest participant, and for the participant whose home is farthest from Hawai'i.

Call the HAS office at 528-1432 NOW to sign up as a participant and get your pledge forms. Remember, the early bird gets the worm!



*Kaua'i and Big Island Paradise Pursuits  
Teams Who Participated in Preliminary  
Rounds*



## Paradise Pursuits Wrap-up

by Sylvianne Yee

The 1996-97 Paradise season has come to an end and what an exciting season it was! From a beginning of ten schools in 1991, Paradise Pursuits' participation has tripled to a high of thirty public and private schools in 1997. The addition of playoff games in which the top five O'ahu teams and the three winning neighbor island teams squared off to see which four would make it to the semifinal and final rounds was a qualified success. There are still some glitches that need to be worked out, but coaches and students gave the playoff games the thumbs up and said they liked having an additional opportunity to "show their stuff" on television. The playoff games also provided more exposure for the Paradise Pursuits program to the general public. The games will be televised on public access

channels on all islands. Our own John Harrison was the very entertaining and competent host.

Veteran Paradise Pursuits watchers pronounced this year's semifinal and final games shown on KITV4 to be among the best. KITV4 and the Hawaii Audubon Society will be entering them in the National Association of Broadcasters Service to Children Television Competition. The lion's share of the credit for the success of the KITV4 games goes to David McDonough, the producer of the show. He put in countless extra unpaid hours on a shoestring budget to produce a show of which we can all be proud. He deserves our heartfelt gratitude for all of his hard work on behalf of Paradise Pursuits!

The year can best be summed up in the words of the participants themselves. Here's what a few of them had to say about their Paradise Pursuits experience:

*"This has been an awesome experience for me. I have gained so much knowledge and greater appreciation for Hawaii's precious environment."*

*"For me, the hard work of preparing for Paradise Pursuits has been more than balanced by the chance to make new friends, meet some interesting people and just have fun."*

*"Please continue to support this wonderful, edifying program. By doing so, you help all of us learn so much."*

*"These past three years in Paradise Pursuits have been priceless. I hope this program grows and flourishes. Every student needs to be in Paradise Pursuits."*

### Moving?

Please allow four weeks for processing address changes. Because our records are kept in order by zip code, we need both old and new addresses.

## HAS Research Grants Recently Awarded

by Phil Bruner, Grants and Scholarships Chair

Hawaii Audubon Society is pleased to announce the awarding of funds to support three local research projects. Jessica Garb is currently working on her Ph.D. in Ecology, Evolution, and Conservation Biology at the University of Hawaii at Manoa. Her project examines the diversity of crab spiders in Hawaiian dry forests. Dry forest habitat has been significantly altered by human activity, and much research remains to be done in the few existing native dry forest sites in Hawaii. Cheryl Bauduini, Ph.D. student at the University of California Irvine, has been investigating the parent-offspring conflict on adult provisioning strategies of the wedge-tailed shearwater, a common seabird in Hawaii. Adult birds apparently utilize stomach oil to regain body mass while increasing their self-feeding rate and shortening their time allocations when feeding chicks. Finally, Lisa Stratton and Mitiku Habte are looking into the roll of mycorrhizae, a fungus, in Hawaiian dry forest restoration. These fungi may enhance growth and survivorship of seedlings planted in highly eroded areas. The Kanepu'u Dry Forest on Lanai is the site of their study. Lisa has previously received funds from HAS for her dry forest research projects. Hawaii Audubon Society anticipates the reports on the findings of all these projects. Each recipient has agreed to provide a short summary of her work to be published in a forthcoming issue of the *'Elepaio*.

## Planning Your Vacation?

By Susan Elliott Miller

Remember that the office maintains files of newsletters from many other Audubon chapters. They're a good place to find out what's planned in the way of outings, to get ideas of interesting places to see, and even to get some idea (from write-ups of past outings) of what the weather's like. Check it out - there's at least one warm body in the office Monday, Wednesday, and Friday from 10 a.m. to 5 p.m.

## HAS Awards Two Full Tuition Scholarships

### Scholarships awarded in memory of Rose Schuster Taylor

by Phil Bruner, Grants and Scholarships Chair

Hawaii Audubon Society has awarded two full tuition scholarships for the 1997-1998 school year. These scholarships are provided in the memory of Rose Schuster Taylor and are for use in the University of Hawaii system.

Bryantt Bernardo is an outstanding student at Mau'i High School. His letters of recommendation spoke of his devotion to education and strong concern for the environment. Bryantt has participated in the Paradise Pursuits program sponsored by HAS. He volunteers his time at Waikamoi and other areas where weed pulling and other activities can go a long way to helping restore the native biota. We wish Bryantt well and are confident he will make many important contributions in the years ahead.

Kerri Fay, a current student at the University of Hawaii at Manoa, has also distinguished herself through volunteer work at Kokee Natural History Museum and several conservation service activities. She hopes to pursue a graduate degree in botany and work to preserve Hawaii's native biota. Hawaii Audubon Society is proud to award scholarships to these two deserving students.

## Cooper T-Shirt Flies In

By Susan Elliott Miller

Would you like a white shirt with Hawaiian forest birds ('elepaio, 'i'iwi, 'apapane and several others) in full color? The organizers of the 67th Cooper Ornithological Society meeting in Hilo sold lots of them, but there are a good many left - and they'll be available in the HAS office and at the program meetings for \$11.00 each cash and carry. They come in small, medium, large, and even a few XXL! Sorry, no mail orders.

## Endangered Species Act Waivers Introduced in Congress

### NAS believes the real intention behind these waivers is to weaken the ESA

The US Fish and Wildlife & Service (FWS) relaxed the Endangered Species Act's (ESA) consultation requirement for repairing flood damaged levees in northern California. Under this policy, damaged levees and dams may be replaced or repaired to their pre-flood condition without prior consultation with FWS.

Despite this administrative "fix," Congressmen Pombo (R-CA) and Herger (R-CA) have introduced HR 478 to exempt all flood control-related activities from the ESA. Their bill would exempt routine operation, maintenance, rehabilitation, repair, or replacement of all flood control projects, facilities, or structures from the ESA consultation requirement.

At a separate hearing before the House Energy and Water Appropriations Subcommittee, Congressman Vic Fazio (D-CA), attached a rider to the flooding supplemental appropriations bill. According to subcommittee staff, the rider would waive ESA requirements for any county declared a disaster area in 1997. Any maintenance activities on flood control facilities that prevented imminent threat to human life or property would also be exempt from the ESA. This additional exemption would not be limited to declared disaster areas, and would remain in effect until December 31, 2000.

Since the FWS has already exempted the necessary activities to repair and rebuild flood-damaged areas, the National Audubon Society believes the real intention behind these waivers is to weaken the ESA.

Source: Audubon Advisory, National Audubon Society's Weekly Legislative Update, April 1997

# Calendar of Events

## Monday, June 2 and July 7

Regular first Monday of the month meeting of the **Conservation Committee**, 6 p.m., at the U. H. Environmental Center, (Crawford Hall, Room 317, 2550 Campus Road). Chairperson Dan Sailer, 455-2311.

## Thursday, June 5 and July 3

Monthly meeting of the **Education Committee**, 7 p.m. at BaLe Sandwich Shop in Manoa Marketplace (near Safeway). Chairperson Wendy Johnson, 261-5957.

## Monday, June 9 and July 14

**HAS Board meeting**, (always open to all members) 6:30 p.m. at the HAS office.

## Saturday, June 14

The June **field trip** will be to the Ewa Plains limestone sinkholes with Dr. Alan Ziegler to look for fossils of extinct Hawaiian birds. Dr. Ziegler will lead us on a short walk from the Barbers Point Deep Draft Harbor to the sinkholes, sharing information about the geology along the way. Carpool at 8 a.m. on the Punchbowl side of the State Library at King, or meet at the Harbor on Malakole Road at 9 a.m. Bring sunscreen, hat, water, and, if you like, a picnic to eat at Barbers Point Beach Park. Digging tools will be provided. Suggested donation, \$2.00 per person. For reservations and details, call Mary Gaber at 247-0104.

## Saturday, June 14

'Tis the day for Birdathon 1997! See article on page 115 for details.

## Monday, June 16

**HAS Program and Members' Meeting** will feature a slide show presentation by Bill Mull titled "The Debt of Hawaii's Critters to Hawaii's Plants" - how the evolution of Hawaii's native flowering plants has influenced and fostered the evolution of Hawaii's native land animals, particularly the invertebrates. Bill Mull is a Bishop Museum research associate in entomology, co-author of the book *Hawaiian Insects and Their Kin* and a past president of the Hawaii Audubon Society. Bring your friends and join fellow HAS members at Paki Hall Conference Room, Bishop Museum at 7:30 p.m. Refreshments are provided; HAS books, tapes, and T-shirts will available for purchase.

## Saturday, July 19

Waikalualoko Fish Pond in Kaneohe will be the site of the **July field/service trip**. Herb Lee, Jr. will again be our guide as we pull out some of the invasive mangroves to help to restore this ancient Hawaiian fish pond. We'll also see slides of some other ponds on O'ahu, learning about their past economic value and, hopefully, how they can be restored. Experts will be there to help us trap, identify, and release various sea creatures. Be prepared to get wet — fishing tabs are good to wear if you have them. Carpool at 8:30 a.m. on the Punchbowl side of the State Library at King, or meet at the Pond at 9 a.m. For reservations and directions, call Mary Gaber at 247-0104. Suggested donation, \$2.00 per person.

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