

KEKAHA HAWAIIAN HOMESTEAD ASSOCIATION

PUBLIC STATEMENT OF OPPOSITION
BY KEKAHA HAWAIIAN HOMESTEAD ASSOCIATION
Re: Aerial Pesticide Drop on Lehua Island and into its Near-shore Ecosystems¹

June 27, 2017: Kekaha Hawaiian Homestead Association, a Hawaii not-for-profit organization (KHHA), addresses the needs and concerns of native Hawaiian beneficiaries in west Kaua'i and Ni'ihau, including many active fishermen and those that engage in cultural gathering of marine life of west Kaua'i waters.

KHHA opposes the aerial pesticide drop of diphacinone and/or brodifacoum via helicopter onto the island of Lehua, the application of those pesticides onto the Lehua shoreline, and the contamination of those pesticides into Lehua's near-shore waters. This public statement is also an update to our April 7, 2017 public comment letter to the state's Draft Environmental Assessment of this project.

Our native Hawaiian, largely subsistence-based community on Ni'ihau (the only island in our state where Hawaiian is spoken as a primary language) bears the greatest and most direct impact of the proposed project. Ni'ihau lies approximately $\frac{3}{4}$ mile from Lehua. Ni'ihau is also proposed as the launch site of the helicopter operation and would therefore be the storage site of the extensive pesticide tonnage prior to its application.

Most importantly, the waters surrounding Lehua are vital marine resources for native Hawaiian and other fishermen and Kaua'i tour boats catering to visitors to our island. The narrow channel between Ni'ihau and Lehua, and the waters off west Kaua'i, are irreplaceable resources for subsistence fishing, life and livelihood for our people. The Lehua Crater contains rare, diverse marine ecosystems that are habitat to eagle rays, monk seals, and many fish species. The Lehua waters are also home to ama crab, opihi, wana and limu, all of which are resources of native Hawaiian cultural subsistence and gathering. Both Ni'ihau and Lehua share common aspects in their water-based and bird life food chains. Even the participating government agencies have acknowledged that an unknown number of birds will die as a result of this proposed operation, from both direct ingestion of pellets as well as of poisoned prey.

Information in US government documents and legal violation reports for recent helicopter drops of pesticides at Wake Island, Palmyra Island and Rat Island (renamed Hawadax Island in 2012) cause us great concern. We note, for example, that, in the Wake Island operation in 2012, the US Air Force recommended a **942-day ban on consumption of fish** following that brodifacoum aerial pesticide drop.

This information should have been included in the environmental assessments, and shared by DLNR, DoFAW and the Hawaii Department of Agriculture, as it would have helped the public understand the possible extent of risk to our local marine life and our people, and the possible damage to our fishing and tour boat communities, including extended economic damage. See US Air Force correspondence:

¹ The proposed operation is described in the DLNR- and DoFAW-issued Draft Environmental Assessment published on March 8, 2017 and the Federal US Fish & Wildlife Draft Environmental Assessment published in May 2, 2017.

Subject: FW: Further Wake Island Fish Sampling

FYI - note the Wake atoll brodifacoum results analysis. We have a couple options. I guess it comes down to how long we want to restrict consumption of fish at Wake. The current recommendation is approximately 942 days. Also with no money are furloughs occurring July 8- end of September, it is unlikely that a sampling project will occur this FY. I'll keep you in the loop, but I thought you might like this info for future projects.

We are also concerned that a similar helicopter drop of the rodenticide brodifacoum in 2008 on Alaska's Rat (Hawadax) Island by USFWS and Island Conservation resulted in many serious legal violations as determined by Alaska's state enforcement officer in 2011. Our communities should have been made aware that the same contractor, Island Conservation, with USFWS, violated numerous laws in that operation, including giving inaccurate and misleading information to Alaska state agencies by misrepresenting the occurrence of mortality (collateral kills) of non-target fish and birds, exceeding pesticide label application rates and violating state use permits in their application of the pesticide (See below):

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE OF ALASKA**

NOTICE OF VIOLATION

Application of pesticide in a manner that resulted in non-target mortality of birds, failure to comply with pesticide product label instructions, and failure to comply with conditions of pesticide use permit, under various regulations specified below.

To:

Steve Delehanty
Refuge Manager
US Fish and Wildlife Service, Alaska Maritime National Wildlife Refuge
95 Sterling Highway, Suite 1
Homer, Alaska 99603

Enforcement Tracking No. 11-0533-40-9277

The Department alleges that on or about the time period between September 29, 2008 and October 5, 2008, on Rat Island, in the Alaska Maritime National Wildlife Refuge in the central Aleutian Islands, Alaska, the United States Fish and Wildlife Service (USFWS) did unlawfully:

- Apply pesticides in a manner that resulted in significant non-target mortality of gulls, Bald Eagles, and other birds;
- Exceed the allowable application rates specified on the pesticide product label;
- Exceed the allowable application rates specified in pesticide use permit 08-0703-09-AIR-01;
- Apply pesticides without ensuring adequate equipment calibration of the spreader or directional deflector;
- Fail to ensure that at least five days elapsed between applications, as specified in pesticide use permit 08-0703-09-AIR-01;
- Fail to monitor the treated area and dispose of dead animals, as specified on the pesticide product label;
- Fail to keep accurate records of application rates and dates of application; and
- Provide inaccurate and misleading information to the Department regarding the occurrence of non-target mortality, the failure to monitor the treated area and dispose of dead animals, application rates, and dates of application.

Given this new information, our organization opposes the aerial drop of the pesticides diphacinone and brodifacoum on Lehua. We will continue to work with policymakers and others to ensure that this project does not proceed without greater Lehua-based scientific research, more information about the state's relationship with the project contractor, as well as more serious consideration of less toxic alternatives.

*- The Board of Directors of Kekaha Hawaiian Homestead Association (KHHA), June 27, 2017
Harold Vidinha, President, on behalf of the KHHA Board of Directors*