



NA KIA'I KAI

A Policy Resource on Coastal Waters, Marine Ecosystems and Cultural Practices in West Kaua'i

David Smith, Administrator (Responsible Official)
Patrick Chee (Point of Contact)
Department of Land and Natural Resources (DLNR)
Division of Forestry and Wildlife (DoFAW)
1151 Punchbowl Street
Honolulu, HI 96813

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Comments from Na Kia'i Kai: Draft Environmental Assessment TMK 1-1-01:2, in the Waimea District on the Island of Lehua (Draft EA)

Dear Mr. Smith and Mr. Chee,

Na Kia'i Kai is comprised of Native Hawaiian fishers, gatherers and cultural practitioners committed to strengthening policies that protect the coastal waters and marine ecosystems of west Kaua'i. We do so in order to protect Native Hawaiian subsistence practices and the ecosystem resources that sustain them. Our stances are based on the input of our practitioner community, coupled with scientific, legal and policy research of peer-reviewed and academic sources.

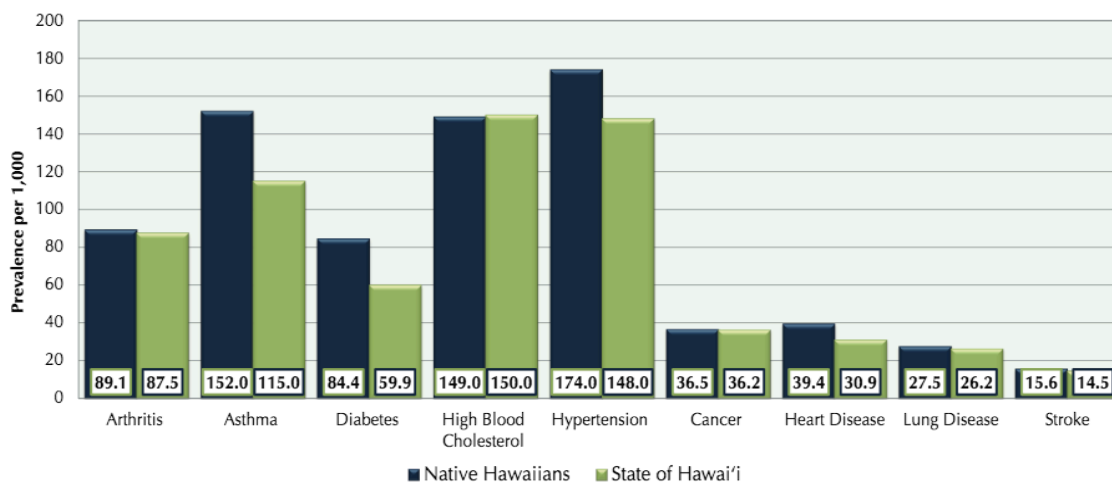
After a review of the Draft EA describing the proposed use of the rodenticides brodifacoum and diphacinone on Lehua, Na Kia'i Kai urges DLNR and DoFAW to ultimately issue a Determination Letter recommending that **a full Environmental Impact Statement (EIS) be conducted prior to your agency's decision on the Lehua rodenticide project.**

A full EIS process is necessary, as the activities proposed in the Draft EA are not sufficiently supported in the context of Lehua. Additionally, in order to fully understand the possibility of negative effects to the environment and the potential risks that will be borne by west Kaua'i's Native Hawaiian and Ni'ihauan practitioners, their families, ecosystems and food sources, original research must be conducted and its results reviewed by the public. Lack of such site- and community-specific data is a significant factor that supports denying a Finding of No Significant Impact for this project. The communities of Na Kia'i Kai are willing to assist DoFAW and cooperating agencies in the planning, design and implementation of such research.

We also note that the Draft EA does not acknowledge the possibility that the proposed rodenticide drop may have heightened health impacts on those in high health risk categories, and that there is little if any research to date on this possible correlation. To proceed with the proposed activities without any baseline understanding of the relationship between the proposed rodenticides and impact on those with compromised health status is unacceptable. We include this

chart from a recent report by the Office of Hawaiian Affairs with data sourced from the Hawaii State Department of Health's *Health Survey*:

Figure 3 Selected Chronic and Other Health Conditions for Native Hawaiians (age adjusted): 2010



Source: Hawai'i Department of Health, Office of Health Status Monitoring, Hawai'i Health Survey, 2010.

Disparate Impacts. The possible health impacts on Native Hawaiian communities are important in this context. We note that the State Department of Agriculture and its affiliated Agribusiness Development Corporation are currently facing Federal inquiry into violations of Title VI of the U.S. Civil Rights Act by engaging in practices that have the effect of discriminating against Native Hawaiians. Title VI prohibits a recipient of federal funds from acting in a manner that has a disparate impact on the basis of race, color, or national origin, regardless of whether the impact is intentional. The comments offered here are provided to assist DLNR/DoFAW in similar circumstances.

Possible Presumptions. As your staff have described, there is a possibility of a fishing ban of unknown duration, as well as the possibility of distributing food replacements to Ni'ihau residents following the proposed rodenticide drop in the case of water contamination that would affect food sources. We ask you to question whether such a solution would have been presumed acceptable for a more privileged demographic: for example, would DoFAW/DLNR have presumed that a nearby rodenticide drop close to the coastal waters of Princeville and a follow up distribution of food be acceptable to that population as well?

Our Community's Focus on Alternatives. We must also rectify an inaccurate staff report-back description of our community's input at a recent DLNR/DoFAW community consultation meeting on April 3, 2017 in Kekaha. While it is unclear whether such report-back was provided by agency staff or by agency contractor, Island Conservation, we are concerned that our community input was generally summarized as "Get it done, and get it done quickly." On the contrary, many in attendance shared the view that alternatives to a rodenticide drop via helicopter were not adequately explored and too readily dismissed without a full consideration. Attendees at the April 3 meeting were also informed that community input at that meeting would not be officially considered or formally accounted for "of record," which caused some frustration and led some to leave the meeting.

We urge DLNR/DoFAW to conduct a full feasibility study into the alternatives suggested at that meeting and by others, including the placement of bait silos, hand broadcast as the sole means of rodenticide placement, and other methods of rodent control that are more controllable than the proposed helicopter drop that will disregard coastal buffer zones and result in both coastal water contamination and undetermined collateral marine life kills. The coastal waters and channel between Ni‘ihau and Lehua are key sites for our cultural gathering of ama crab, moi and other marine life.

While each approach has its negative aspects, the proposed rodenticide drop seems to have the highest potential for widespread ecosystem harm. Issues such as immunosuppression, effects on fish reproductive cycles (particularly the fish species and marine plants consumed by our community), and fetal impact resulting in ingestion of fish by pregnant women, are currently under-researched and inadequately addressed in the Draft EA.

Baseline Rat Population Unknown. As stated by agency representatives, the rat population on Lehua is currently unknown. Until such documentation is available it is not possible to assess the actual benefits or wisdom of this proposed rodenticide drop. General descriptions of rat populations and their possible harm to birds does not replace scientifically derived, site-specific counts.

We also call your attention to statements of our Ni‘ihauan community, noting that rats on Lehua are of a different size (smaller) and of lesser presence as compared to the rats on Kaua‘i island. The Ni‘ihauan community has noted that high presence of rats generally follows human presence, and that, unless fully researched, rat populations on the uninhabited island of Lehua are therefore not necessarily a significant threat to bird life or egg predation on that island. Instead, it would be important to also look to other environmental factors to understand such threats.

2009 Fish Kill Documentation. Please include a statement in the Final Environmental Assessment that acknowledges that fish species other than triggerfish were found dead in the 2009 fish kill. Please also include a statement of a fact that is well-known to our local fishers – that triggerfish are a hardy, disease-resistant and resilient species as compared to the other species found in Hawai‘i waters. The large-scale triggerfish die off following the 2009 rodenticide drop on Lehua is therefore notable. We would appreciate a statement from DoFAW on whether the algae bloom described in the Draft EA (that DoFAW has identified as the direct cause of death of the triggerfish) may have been partially caused or in any way encouraged by the introduction of rodenticide into their water habitat.

Mahalo for your consideration,

/s/ V. Kawai Warren

Van Kawai Warren
Na Kia‘i Kai

Cc: Director, Hawaii Department of Health
Environmental Protection Agency (EPA) Region 9