

## Appendix L Summary of Public Comment and FWS Responses

### 1.0 Introduction

This appendix contains a summary of all comments that were received in response to the Draft Interim Visitor Services Plan for Midway Atoll during the official public comment period. Public comments on the draft plan were accepted from December 8, 2006, to February 6, 2007; in addition, comments dated within two weeks after the official close of the comment period were accepted and analyzed.

All comments were reviewed and organized so that an objective analysis and presentation of the comments could be made (see Section 2). Each piece of correspondence was assigned an identification number. Note that for simplicity sake, the word “letter” is generally used throughout this appendix to refer to any comment received, whether by letter, email, or telephone call. A database was created to help analyze the nature and extent of the range of comments received. FWS responses are included in Section 3. In cases where a comment pointed out a minor typographical or editorial error in the Draft Interim Visitor Services Plan, the change was made in the final Interim Visitor Services Plan, but no response is included in this summary.

FWS sincerely appreciates the time and attention so many individuals gave to reviewing the draft plan and the detailed responses that were submitted.

### 2.0 Quantitative Analysis of Comments Received

A total of 6,282 letters (by letter, e-mail, or telephone call) were received by FWS in response to our request for comments on the Draft Interim Visitor Services Plan for Midway Atoll. This large response to the draft plan reflects the significant interest in the Papahānaumokuākea Marine National Monument, which was established during development of this plan.

#### Affiliations

The table below presents a breakdown of the affiliation of letters received.

**Table J-1. Affiliation Type of Letters Provided**

<b>Affiliation Type</b>	<b>Number of Letters Received</b>
Federal agencies	2
Educational institutions	2
Environmental organizations	16
Recreation/Tourism provider	7
Amateur radio interests	4
Friends of Midway Atoll	2
Individuals	6,258

### Comment Format

Comments were received in a variety of formats during the public review period, including letters, e-mails, and telephone conversations. The distribution of media type is summarized below in Table J-2. FWS considered all comments received as part of the decisionmaking process.

**Table J-2. Format of Comments Received**

<b>Format of Comment</b>	<b>Number of Comments Received</b>
Letters	6
E-mails	6,274
Telephone calls	2

### Place of Origin of Commenters

FWS received comments from all over the Nation, plus one from Australia. Due to a shortage of staff time, individual addresses for the 6,190 identical comments generated through an electronic mail campaign have not yet been entered into a database. In many cases, e-mail respondents did not provide a mailing address, thus their State of origin is unknown. Data that were entered for commenters providing individual responses produce the following summary of places of origin, which should be considered only as illustrative of the broad interest in Midway Atoll.

**Table J-3. Origin of Selected Respondents**

<b>State/Country</b>	<b>Number of Comments</b>	<b>State/Country</b>	<b>Number of Comments</b>
Australia	1	Maine	1
California	30	Maryland	3
District of Columbia	2	Massachusetts	1
Florida	1	Nevada	1
Georgia	1	Oregon	9
Hawaii	21	Virginia	1
Iowa	1	Washington	8

### **3.0 Summary of Comments Received and FWS Responses**

In general, most commenters expressed support for operating a small-scale visitor program on Midway Atoll, however, many expressed concern about the potential impacts of those visitors on Papahānaumokuākea Marine National Monument resources. Several commenters expressed support for the visitor program outlined in the Draft Interim Visitor Services Plan, stating that a well-managed visitor program can be compatible with wildlife protection.

A few comments opposed provisions within Presidential Proclamation 8031, particularly to those requirements that preclude sportfishing at Midway Atoll. The monument co-trustees must implement the requirements contained within the Proclamation and have no authority to alter them. Some commenters expressed confusion about the multiple jurisdictions within the monument.

Many comments were received that did not apply to the Draft Interim Visitor Services Plan, but rather to the broader-scale Papahānaumokuākea Marine National Monument Management Plan. That plan is now under development and will address such issues as wilderness designation, habitat management, designation of historic resources, infrastructure development and maintenance at Midway Atoll, special ocean uses outside the Midway Atoll Special Management Area, and subsistence fishing. Comments received on such issues will be considered and addressed in the monument plan. The monument management plan will incorporate the requirements of a Refuge Comprehensive Conservation Plan, which normally would have been approved before development of a Visitor Services Plan. For that reason, this document is an interim plan that may be modified during or after the development of the monument management plan.

Many commenters requested greater public involvement in monument management planning, monument permitting, and development of the visitor services plan. The first two topics are outside the purview of the visitor services plan and will be addressed in the monument management plan.

Specific visitor services-related issues raised include:

- visitor services plan development
- enforcement of rules
- permitting
- human safety
- staffing
- visitor carrying capacity
- independent visitors
- introduction of invasive species
- visitor orientation
- visitor impacts on wildlife
- interpretation
- snorkeling and diving
- kayaking
- trails
- volunteers
- use of amateur radios
- means of transportation
- adequacy of funding to implement the program
- costs to the visitor
- miscellaneous comments.

Under the major topic heading, similar comments are presented as one bullet. In many cases, the text in the bulleted comment is a quote from a particular comment, but some comments were paraphrased to make them more concise. Every effort was made to present all substantive and

applicable comments in this summary. The specific comments presented here are a representative sample of all the comments received. A comment that addressed several issues was sometimes placed in a single bullet, in the section to which it was most closely related. Therefore, there is some overlap between topics.

The original comments received on the draft interim visitor services plan are on file at the U.S. Fish and Wildlife Service's Pacific Islands External Affairs and Visitor Services office, 300 Ala Moana Boulevard, Room 5-311, Honolulu, Hawai'i, and are available for review by appointment.

### **Issue: Visitor Services Plan Development**

- FWS has virtually no experience managing a visitors program, and has avoided or ignored the expertise of those who do have this kind of experience. This plan is plagued by missed opportunities, absurd suggestions, unsupported assumptions and wishful thinking. It was written in a vacuum and the program it sets forth is therefore doomed to failure.
- Finally, there has been a startling lack of public process in the development of the Monument management system. Please require a transparent public process for the development of each portion of the upcoming Monument Management Plan and a full Environmental Impact Assessment for the Monument Plan.
- We appreciate the ample time provided for review and comments, and the wide circulation of the draft document to members of the public.

**FWS Response:** FWS has significant experience developing and managing visitor services programs on many of its national wildlife refuges throughout the Nation. We have numerous employees with education and experience in this field, including many who have worked on Midway Atoll in the past.

The 60-day public review period for the Draft Interim Visitor Services Plan was designed to allow the public the opportunity to provide input on designing the best possible visitor program for Midway Atoll. We much appreciate the detailed and helpful comments that were submitted to improve the program.

### **Issue: Enforcement of Rules**

- Do not believe current plan convincingly demonstrates that impacts will be rigorously evaluated and rules enforced. Need to hire a law enforcement officer before allowing visitors. Provide documentation of impacts and violations that occurred during previous visitor program at Midway. Further describe "multi-agency monitoring protocols developed since 2000."
- How will activities of others who visit refuge (volunteers, transients, contractor employees, etc.) be regulated?

- The draft plan provides one law enforcement officer to be hired by the end of February 2008, and, during the interim, for the ‘periodic use’ of short-term personnel. Ensuring compliance with regulations by cruise ships and visitors may be a large task for one enforcement officer. We recommend that FWS carefully evaluate the man-power requirements needed to enforce the plan’s regulations and guidelines. Hiring an enforcement officer sooner, as well as hiring additional officers, particularly during seasons and times with high numbers of visitors or during critical life cycle stages of threatened and endangered species, should be carefully considered.
- Some discussion of specific protocols for law enforcement should be included in plan.
- Even if we get promises of strict enforcement, things have a way of becoming more lax over time, and we can't afford that with an irreplaceable resource like this.
- We urge that an Enforcement staff position be funded and deployed immediately, prior to the implementation of any new Visitor Plan. We also recommend that funds be made available for a second enforcement agent. We are deeply concerned that the lack of USFWS funding may compromise the agency’s ability to monitor the impact of increased visitor load and enforce protection measures.
- It seems to me that based on the draft plan, FWS thinks that people that are wanting to go there are out to wreck the island and make it an over visited travel spot and that is just very far from the truth about who the Midway visitor is. These are not resort seeking snobby people, they are people that love nature and care for nature. They don't want to disturb the seals, they just want to see one and take a nice photo. They don't want to keep any fish, they just want to fish in one of the most beautiful lagoons, take a photo and set the fish free. Midway is not a resort destination, it's an intimate brush with nature that people respect and want to enjoy.

**FWS Response:** The President’s Fiscal Year 2008 budget includes funding for a full-time refuge law enforcement officer for the Papahānaumokuākea Marine National Monument. If that funding is secured, that position will oversee law enforcement activities at Midway Atoll. As additional funding becomes available, we will strive to increase enforcement staffing. We may also be able to add law enforcement as a collateral duty to other positions on Midway. The monument management plan will also address enforcement issues.

In the meantime, we strongly believe that the key to enforcement is education. We do not believe that visitors coming to Midway for either the wildlife or historic resources will knowingly violate rules and regulations. Most of our visitors are concerned about protecting wildlife resources and will readily modify their behavior to adapt to refuge rules designed to protect wildlife. Visitor services staff, biologists, and certified guides will be overseeing visitor activities and can report any problems to the refuge manager for resolution.

Visitors, residents, and transients who wish to engage in recreational activities while at Midway all must conform with the same requirements and stipulations to ensure natural and historic resource protection and human safety.

Only one event with a high number of visitors is currently foreseen within the next 2 years: the 65<sup>th</sup> anniversary of the Battle of Midway commemoration. For that event, FWS is bringing four refuge law enforcement officers to Midway.

### **Issue: Permitting**

- VSP should specifically identify type of permit a cruise ship must obtain to enter the Midway Atoll SMA. Need to explicitly explain how cruise ships and their passengers will "further the conservation and management of the monument." VSP and Appendix E should specifically state that cruise ships are required to carry NOAA OLE-approved VMS prior to entering NWHI monument.
- We are unaware of any Commercial Recreational Uses authorized by Proclamation 8031 in Midway Atoll SMA. Recommend title of this section should be changed to "Additional Requirements for Special Ocean Uses."
- A primary goal of a permit system for Midway should be protection of the NWHI from the cumulative impacts of the various activities which may be underway at any time. An open and public process regarding permitting activities is a key portion of any such effort and must be in place prior to the implementation of any new visitor plan. This includes an integrated system for tracking and reporting the nature, extent, location, and duration of the various activities permitted within the monument, recording violations of any NWHI federal or state laws, rules, regulations or permit conditions and an assessment of the impacts of the activities, including on the behavior of endangered and threatened species such as the monk seal. We recommend that, as per state NWHI rules, permit violators not be granted additional permits and that, in the case of a permit violation, a long term permit be revoked.
- In addition, the permitting system should provide a mechanism for public comment on permits, before they are issued.
- We note that the VSP mentions a permit tracking system, and the requirement that the Refuge manager produce an annual public use report, but we have not had the opportunity to evaluate the scope and depth of these information sources.

**FWS Response:** In the interim visitor services plan, we have clarified that each cruise ship proposing to visit Midway Atoll will be required to obtain a monument special ocean use permit before entering monument waters. Requirements for a vessel monitoring system, hull cleaning, etc., are all part of the permit requirements.

Visitors arriving by cruise ship can gain a firsthand experience of the challenges in managing and conserving the monument. During their short-term visits (usually only a few hours and limited to existing roads and trails), these visitors learn about the monument's significant natural and historic resources, see firsthand the problems of invasive species and marine debris, and generally leave Midway with a new understanding of the fragility and importance of these small islands. This education is further spread upon their return home, where they spread our messages to their friends and families and "bring the place to the people," one of our goals for

the Papahānaumokuākea Marine National Monument. In this way, we believe that visitors arriving by cruise ship can further the conservation and management of the monument.

The title of “Additional Requirements for Commercial Recreational Uses” has been modified as requested by the commenter.

Requirements for permit reporting and public involvement in permitting are not specific to the Midway visitor program and will be addressed in the monument management plan. Any recreational or Midway-specific special ocean uses activities conducted under the approved Interim Visitor Services Plan have already undergone public review. Any new uses would require additional appropriateness findings and compatibility determinations, which also require public review opportunities.

A Midway recreation permit application and reporting form for overnight visitors will be posted on Midway Atoll National Wildlife Refuge website ([www.fws.gov/midway](http://www.fws.gov/midway)) prior to its implementation. Visitors who are only staying on Midway for a few hours will sign a shorter form agreeing to abide by refuge and monument rules and regulations and supplying the information needed for an annual report.

#### **Issue: Human Safety**

- Make sure guides can deal with potential visit from a large shark; snorkelers and kayak groups should stay close together. Require vessels to return to pier 1 hour before sunset to ensure enough daylight for rescue.
- Consider accompanying lagoon snorkel tours with a power boat for safety reasons.
- Will there be a medical presence on Midway?

**FWS Response:** Several commenters pointed out that allowing vessels to return to pier as late as ½ hour before sunset did not allow sufficient time for search and rescue operations. Therefore, we have modified the final interim plan to require all visitor-related boating activities to return at least 1 hour before sunset, which will also enhance boat operators’ ability to avoid collisions with marine life. Visitors planning to engage in water-related activities during the albatross fledging season (June-July) will be thoroughly briefed on watching for shark activity, and water-related activities are not permitted during peak shark foraging times (½-hour before dusk to ½-hour after sunrise). Guides for those activities will be trained in how to respond to sharks. All guided kayak tours will keep the boats in close proximity. For snorkel and dive groups, at least one person must remain in the boat at all times to watch over snorkelers and divers and warn of potential encounters with sharks (or resting Hawaiian monk seals or sea turtles). No lagoon snorkeling will take place from kayaks, only from motorized boats.

Midway Atoll has a well-equipped medical facility that is always staffed with at least one person trained at a minimum as a Physician’s Assistant. The facility is operated under a subcontract with Medcor, which provides outsourced occupational health services to businesses, government agencies and other organizations nationwide.

## Issue: Staffing

- Although FWS has outlined its intention to hire more staff, we are concerned that FWS will not have the funds to do so in the upcoming years. If FWS does not secure adequate funding for the planned number of visitors, will visitation levels be reduced? We are also concerned that FWS will rely heavily on outside vendors for financial support, which in turn will place pressure on FWS to expand the activities allowed on Midway to meet the vendor's financial needs. We do not believe FWS should set itself up to be held hostage by concessionaires.
- I remain concerned you find the right people to administer and run the visitor programs; employ the most qualified, experienced, and compassionate people to infuse the magic, educate, and protect.
- Hire individual dedicated to business development and acquisition of funds/grants in support of Midway.
- The issue of delegation of supervision of activities occurs elsewhere in the Plan. For example, on Appendix F-16, the following statement is made: "Guided kayaking tours will be closely supervised by Service staff, Service-trained volunteers, or cooperators." There is a world of difference between these three categories, especially between the Service staff and "cooperators." Similar statements appear under descriptions of volunteer research and habitat restoration activities described in the Plan. The Plan overall leaves the impression that visitor activities other than a few opportunities for self-guided tours, will be under the direct supervision of Service staff accompanying visitors in small groups. That may not be the case, however, for activities where delegation is seen as an option. Any delegation of such direct supervision to volunteers or concession operators would be risky, and should only be undertaken with maximum safeguards – including independent observers -- to assure monitoring and enforcement of all rules and regulations, if allowed at all.
- In the plan you state the increased cost of staff will be covered by visitor fees but you fail to do any analysis as to why these specific positions are to be funded solely by visitor fees. Will the yearlong cost of these positions be funded by visitor fees even though the visitor use season at Midway is not yearlong. Have you done any analysis of what other agencies, i.e. NOAA and/or the State of Hawaii could/should contribute to the visitor program? With the establishment of the National Monument and the joint administration, it seems only reasonable that others share in the visitor program.

**FWS Response:** Although FWS does want the visitor program to be self-sustaining in the long term, we recognize that this is unlikely to occur in the short term. Midway Atoll National Wildlife Refuge's assistant refuge manager position was recently vacated, and we are considering whether that position can address our visitor staffing needs. The refuge also has funding to hire a refuge ranger (interpretation) in a term or seasonal position. As indicated in the plan, we will be working with our co-trustees to provide assistance with the visitor program, and to seek qualified volunteers to work with us. NOAA and the State of Hawai'i have expressed interest in assisting with the visitor services program on Midway and will play important roles in

interpreting the monument. We have corrected the text in the final plan that referred to “cooperators,” which was meant to reflect that our co-trustees, NOAA and the State, were also qualified to lead visitor activities at Midway. All personnel will be under the close supervision of the refuge manager to ensure quality performance.

In response to public comments, we have reduced the limit on the number of overnight visitors allowed at any one time in 2008 from 50 people to 40 people (see visitor carrying capacity discussion below).

Nongovernment guided tours would be operated under monument special ocean use permits, which are granted only after extensive review by FWS, NOAA, and the State of Hawai‘i. The refuge manager would oversee such operations and has the authority to cancel the permit if violations occur.

At this time we do not have funding available to hire a business manager or grant writer. However, we are fortunate to have support from the Friends of Midway Atoll, who have sought and obtained grant funding for invasive species control work on the refuge.

All visitor activities conducted on Midway Atoll will be under the supervision of FWS. However, we believe our co-trustees, volunteers, and tour group leaders may exhibit the same expertise and commitment to resource protection as FWS employees. We will ensure that the volunteers and tour group leaders are trained appropriately. Thus we have allowed for the possibility of these individuals to also lead visitor activities under the interim visitor services plan. FWS retains responsibility for all visitor activities.

### **Issue: Visitor Carrying Capacity**

- With publicity regarding the Monument and the implementation of a marketing effort under the Plan, there is likely to be increased demand for visitor access. We strongly recommend the implementation of a lottery system to regulate access, and that the lottery is tied to a published visitor cap. We believe that Midway must have a visitor carrying capacity that cannot be exceeded. In other instances where demand to visit a national park or refuge exceeds the visitor cap, lottery systems have been implemented. A lottery is useful in signaling to the public that unlimited open access is not guaranteed, and is a way to treat visitors equitably.
- Although the Visitor Services Plan has a limit on the number of visitors on Midway at one time, as well as overnight guests, it does not have a cap on total daily visitors. We encourage FWS to place a cap on the number of visitors allowed at Midway daily. We also encourage FWS to critically analyze, with its co-trustees, what the visitor capacity of Midway is since this analysis has not been done and/or the results have not been published. An unlimited number of visitors on Midway per day could lead to an unsustainable amount of stress placed on Midway, and its resources. This in turn could lead to the degradation of Monument resources and harm to wildlife.

- Island will easily accommodate 100 visitors if all things were done properly and efficiently; 500 is too many.
- The capacity of Midway Atoll to accommodate visitors and to tolerate their impact without the loss of ecological integrity or resilience is an important consideration in determining the maximal number of people permitted on the atoll. The number of people allowed at one time on Midway Island during 2007 and 2008 is limited, as provided by Strategy 2.2.4, the infrastructure available to sustain them, the ability to provide a quality visitor experience, and the need to limit impacts to wildlife. The visitor services plan allows for a community with an average size of approximately 130 persons (15 FWS, 10 researchers, 55 contract employees and a maximum of 50 visitors). The Environmental Assessment (EA) refers to ecological concerns with potentially larger numbers of people, but doesn't specifically recommend an optimal or maximum capacity. FWS should consider establishing optimum and maximum visitation rates based on a thorough assessment of the atoll's physical capacity and ability to tolerate impact. In the absence of data, a tentative and adaptable estimation should be made and updated over time. Not only terrestrial communities (with impacts on wildlife), but nearshore marine communities (coral and fish) should be taken into account when assessing the visitor capacity of the atoll.
- 30 visitors at a time is an unrealistic figure. Why not let actual reservations for those 24 available rooms limit the occupancy?
- We are concerned by language regarding numbers of visitors which is phrased not as an absolute cap, but as an open-ended amount – for example, a goal of “at least 500 people in 2008 and beyond.” We urge that you provide an absolute cap on visitation, and not an open-ended goal which could result in potentially unlimited visits. We cannot overemphasize the importance of having clearly defined carrying capacity implemented via lottery (in this case, 30/day the first year and 50 in following years, as long as no negative impacts are observed on endangered and threatened species).

**FWS Response:** As indicated above, we have reduced the daily limit on the number of overnight visitors in 2008 from 50 people to 40 people, and the target visitation number from 500 to 400 for the year. This reflects the realities of our seating capacity on the existing charter aircraft (15 people) and the housing capacity in Charlie Barracks (24 rooms). In general, we anticipate groups of 15 people at any one time, generally staying on Midway 1 week. If in 2008 we have 40 people on Midway for every week from January through July and November through December, our total overnight visitor count for the year would be 1,440 people. A more likely scenario is 15 people in a group (based on aircraft capacity), which would total 540 visitors if visitors were present each week for the 9-month visitor season. We believe these totals are well within Midway Atoll's carrying capacity, but should any stressors be noted on wildlife or their habitats we will revise the program accordingly.

Based on the costs associated with the visitor program, we do not anticipate needing a “lottery system” for visitation. We will be using the “first come, first served” method to allocate visitors to the program, while staying within the restrictions outlined in the interim visitor services plan.

We have not established a total daily cap for all visitors (not just overnight visitors), because it could be variable. In the case of cruise ships, their short-term presence on existing roads and trails has not impacted Midway's resources. The number of transients varies, with higher numbers during the research season, but is not a significant number. Those arriving on research vessels stay aboard the ship; those staying in Charlie Barracks will be limited by the number of rooms available.

### **Issue: Independent Visitors**

- With limited staff there may not be enough oversight over the “less structured visits” that will be allowed on Midway. By FWS’ own admission these visitors will need more oversight than organized groups. We are concerned that the Plan does not specify what further oversight will be required of the “less structured visit” groups, or how FWS plans to provide this oversight with a range of staff size. We are concerned that these “less structured visits”, as well as “self-guided tours” will result in visitors not following monument regulations, including proper wildlife viewing etiquette, which in turn may result in harm to monument resources and wildlife, including the highly endangered Hawaiian monk seal. Ultimately, we believe the risks of “less structured visits” and “self-guided tours” outweighs the benefits, and we recommend against the development of “less structured visits” and “self-guided tours.”
- Independent or unescorted visitors: My experience at Midway says this is clearly a mistake. Many of the rule violations we saw in '97-2001 were due to this policy. For protection of not only the seals, but also the nesting birds, dolphins, and turtles, “independent” visitor excursions should not be permitted. The FWS must staff the island sufficiently to escort all visitors that are not associated with a managed group, or not allow “independent” wandering in the management scheme.
- Strategy 2.1.6: I suggest that less structured visits be overseen by someone - for safety if for no other reason. I always required my clients to let me know where they were, even if I had given them the afternoon off. Perhaps they could have a point person to check in with - maybe Refuge staff twice a day at meal times - just for safety?
- Independent visitors more likely to violate rules; not understand rules. FWS personnel cannot adequately monitor independent travelers. Independents do not learn or experience as much as guided groups.
- Recommend primarily facilitated visits to enhance education, visitor satisfaction, and compliance with rules and guidelines.
- Need more than two options for independent travelers per year.
- Recommend limiting number of independent visitors to 10% or less of yearly total visitor projections for at least the first 2 years; need structured visitor programs to ensure highest level of visitor satisfaction and adherence to rules
- For 2007, limiting total number to no more than 30 at any given time seems reasonable, but limiting independent visitors to only two 1-week periods could be severely limiting.
- Self-Guided Tours. Interviews with individuals living and working at Midway and Kure during the five-year period of ecotourism operations era indicate significant concerns with “self-guided” tours – problems have included unauthorized wildlife

interactions/disturbances (including of monk seals) by “independent photographers,” independent foreign tourists claiming ignorance of rules, despite availability of language-appropriate materials, individuals frightening nesting birds, etc. We have strong reservations regarding self-guided tours and recommend that these not be allowed, at least initially. If the decision is made to allow such tours, we recommend that an observer is present and that monk seal and turtle areas be off limits.

- We are concerned that the “self-discovery and exploration” mentioned on page 41 may, indeed not be possible without harming wildlife, and we recommend against the designation of areas open to unguided explorations.
- It seems to me that based on the draft plan, FWS thinks that people that are wanting to go there are out to wreck the island and make it an over visited travel spot and that is just very far from the truth about who the Midway visitor is. These are not resort seeking snobby people, they are people that love nature and care for nature.
- Please disallow any visiting from commercial enterprises.

**FWS Response:** The National Wildlife Refuge System receives more than 37 million visitors per year, most of whom are “independent” visitors. Our 104-year experience with independent visitors is that the vast majority of them are not violators, and we do not expect anything different at Midway. FWS believes that requiring all visitors to come as part of an organized group (which generally would “generate revenue” and thus require a special ocean use permit) is unwarranted. This would virtually eliminate the need for recreational permits except for transients. We have attempted to clarify in the interim visitor services plan that “independent visitors” must follow the same rules and regulations as every other visitor. Areas open and closed to visitors are clearly depicted on maps. Only one beach is open to visitors, and visitor services personnel will be responsible for monitoring for monk seal presence and ensuring areas to be avoided are well marked.

Because the visitor program will not begin until November 2007, we have eliminated independent tours in 2007. We plan to offer at least two visits in 2008, depending upon the availability of staff to oversee the visits and visitor demand.

### **Issue: Introduction of Invasive Species**

- It is unclear from the Plan what items overnight visitors will be allowed to bring onto Midway and how FWS will prevent the transmission of invasive species by these visitors. We are concerned that terrestrial invasive species may be introduced via food and other supplies.
- Will there be information on the Web for visitors to reach about invasive species and how to avoid transporting them?
- Introduction of alien species is a serious concern in the remote Pacific islands, and could greatly impact marine communities with many rare and endemic species. Midway is just such an ecosystem, although, as yet it has no documented alien invertebrates, algae, or fish. The introduction of marine invasives on vessel hulls and in ballast water is a documented problem in the Hawaiian Islands and other ports in the Pacific. We are

pleased that FWS will be taking measures to avoid the introduction of marine invasives from vessel hulls. However, interim protocols should be put in place and considered. While the draft plan mentions measures (e.g., inspections) that FWS will take, there is no mention of specific protocols. We recommend that the draft plan clarify and elaborate these methods, including specification of protocols for vessels, people, luggage, footwear, clothing, and other equipment (e.g., snorkel, dive or kayaking gear).

- No vessel coming into the waters around Midway Atoll will be completely free of encrusting alien aquatic organisms. Every crack and orifice provides a surface for such species to attach, so minimizing the number of vessels visiting the atoll is critical. We realize that next year is a special year for veterans of the Battle of Midway and that the demand for water transport to the atoll will be high. We hope, however, that following that celebration the number of visits by cruise ships will be kept to an absolute minimum, preferably close to zero. In addition we are particularly concerned by the provision that allows a certain number of private sailboats to come into Midway's harbor. Our experience in the main Hawaiian Islands has shown that such vessels harbor many unwanted species and we would recommend that Midway Atoll be closed to all such vessel traffic until such time as their hulls can be virtually sterilized immediately before entering the NWHI Marine National Monument.
- It would be helpful if FWS explained why certain known and effective techniques are not being proposed to prevent the spread of invasive species, such as wearing brand new clothing and shoes on Midway; requiring clothing and shoes be frozen for 48 hours; and requiring that supplies, such as food, gear, books, etc., that are brought on Midway by visitors be frozen for 48 hours.

**FWS Response:** Although FWS will make reasonable efforts to prevent the introduction of new alien species to Midway, the atoll is already a highly altered terrestrial ecosystem, home to numerous introduced species, including terrestrial and marine plants and animals. Advance materials provided to visitors will strongly encourage them to inspect their shoes, clothing, and gear for seeds and insects, and bring only clean materials to Midway. The same information can be posted on the Midway Atoll Website. Freezing everything for 48 hours, as is required elsewhere in the monument (except at Tern Island) would be unjustified.

All vessels, including sailboats, cruise ships and their tenders, transiting the monument to Midway are required to pass hull inspections before entering monument waters.

Snorkel and dive gear brought to Midway will be treated as prescribed by monument protocols before being used. The new protocol as it applies at Midway has been added to the interim visitor services plan. No used kayaking equipment will be brought to Midway. All equipment will be purchased by and maintained on Midway Atoll.

Hand inspections of luggage will be implemented prior to departure from Honolulu and from Midway when the program begins in November. FWS has equal concern that species such as the emerald green beetle currently found on Midway but not in the main Hawaiian Islands not be transported to new locations.

### **Issue: Visitor Orientation**

- sec. 3.4: May I suggest that since Midway is so unique, that visitors should have to read and sign off on a basic set of rules and regulations before being allowed on island? Lets make it clear and simple. This could be done before landing or before being allowed off a boat. This should pertain to ALL personnel - including research and contract hires. The orientation can then supplement this with current highlights of natural history information.
- The draft plan states that visitors would be required to undergo orientation within 24 hours of their arrival. In contrast, the visitor compatibility determinations in Appendix F (page F.1-5) state that visitors would be required to undergo orientation immediately upon arrival or early the next day in case of arrivals late in the day or at night. We do not believe that any visitors should be allowed to move about the island until they are fully advised of restrictions. We therefore recommend that timing for orientation programs adhere to the description in Appendix F. Recognizing that air flights may be scheduled for nighttime arrivals to avoid colliding with birds and that all scheduled visitor activities will take place during daylight hours, it would seem sensible to require visitor orientation the morning after any nighttime flight arrivals and within a few hours (e.g., two or three hours) of the arrival of anyone arriving before sunset, whether by aircraft or by boat.
- I also would encourage you to have some kind of packet that is sent to visitors when they apply to come to Midway, even before they get there. That way they would understand in advance what a special place and experience that they are lucky to have. Reading about Midway's uniqueness and fragile, special ecosystem would also get them in a frame of mind in which they would understand the reasons for having 'clean' shoes etc. Advance preparation and information will make it easier for the FWS managers of Midway Island to protect the natural resources while handling the needs of the visitors at the same time.

**FWS Response:** FWS agrees that a 24-hour deadline for orientation is too long. The interim visitor services plan has been modified to require attending an orientation within 12 hours of arrival. Thus, visitors arriving at night would have an orientation first thing the following morning. Transients (though technically not considered "visitors") or sailboat personnel arriving during the day would immediately receive their orientation.

Advance materials will be provided to all visitors to Midway to acquaint them with our rules and restrictions in advance of their arrival. All visitors will also sign a recreation permit upon arriving at Midway, agreeing to abide by these rules. By waiting until they arrive, we will be able to ensure visitors actually read the rules, have any questions answered, and agree to abide by them.

## **Issue: Visitor Impacts on Wildlife**

- The draft plan states that the monument staff would monitor for visitor impacts, and that methods for assessing impacts on Hawaiian monk seals would be developed by the refuge biologist based on past protocols developed in partnership with the National Oceanic and Atmospheric Administration. The draft plan also notes that monitoring methods would be developed in consultation with the co-trustees. To ensure that adequate monitoring measures are in place before resuming a visitor program, we recommend that the Fish and Wildlife Service (1) complete consultations with the National Marine Fisheries Service on provisions to monitor compliance with protection measures for Hawaiian monk seals and to evaluate potential visitor impacts on the seals before approving the interim visitor plan, and (2) that this section of the interim plan be expanded to identify the results of those consultations and the monitoring measures that will be followed to detect and evaluate possible visitor impacts on monk seals and other wildlife.
- The Midway Plan acknowledges the requirement for monitoring the impacts of visitors and other users (e.g. researchers) on wildlife and historic resources to ensure continuing compatibility. We request that the design, implementation, and publishing of monitoring results be an open process accessible to public review and input. We also request that, prior to the implementation of any Visitor Services Plan, a full system for monitoring – with observers to note changes in the behavior and stress levels of endangered and threatened species – should be designed and implemented on a trial basis with existing Midway residents and visitors. The impact of human disturbance on Midway seal populations in the past and the apparent time lag between disturbance and potential juvenile mortality means that an “early warning” monitoring system must be designed and implemented from the very beginning of this new phase of increasing human presence.
- The FWS should consult with NMFS to obtain data on preferred monk seal hauling, molting, and pupping sites, and use these data to identify areas that should be avoided by all visitor and routine management operations on or near the islands and the fringing reef.
- “Recommended Recovery Actions for the Hawaiian Monk Seal Population at Midway Islands”(Gilmartin and Antonelis, 1998): This NOAA Technical Memorandum is a summary of recommendations to facilitate recovery of Midway’s monk seals generated at a 1995 NMFS workshop in Honolulu. Please review this document and consider these recommendations as they may relate to managing visitors on the Refuge.
- I offer my suggestion that the NOAA seal biologist (or trained personnel) on the island be advised of all seal sightings at the boat ramp prior to any boat being launched. This allows the seal to be identified and information collected about its size and condition as well as being able to monitor its reaction to the launch. Furthermore the seal biologist can help manage people in the area, especially if visitors are present and can explain why incidental disturbance is allowed on the boat ramp but not on the beaches. If not addressed, some people may assume that monk seal disturbance is not a big deal and change their opinion of, or adherence to, the law in other areas around the island. In addition, an educational sign specific to the boat ramp should be erected that alerts personnel that seals are known to use the area and warns not to approach these animals

and to keep voices down to a minimum. This at least gives people an official notice to be on the look out and what to do if a seal is present.

- Appendix F.5-6 – Public beach areas. This section refers to signs being posted on the public beach to advise visitors of a seals presence and advising swimmers to leave the water if a seal or turtle approaches them. I think it is appropriate to address what a visitor should do if a seal decides to haul out near them on the beach. Guest should be made aware that this is a possibility and be able to respond accordingly.
- It is unclear from the Plan whether visitors will be sufficiently briefed on monk seal disturbance and wildlife viewing etiquette. Although the Plan states that kayakers will be briefed on wildlife viewing etiquette, and that all visitors on Midway will be required to attend an orientation session led by FWS staff, we would expect that all visitors be briefed on the indications of monk seal disturbance, such as a monk seal raising its head, alerting to an activity, or taking flight. We also believe that FWS should make visitors aware of how to gauge a distance of 150 feet since generally it is hard for people to ascertain distances.
- Establish guidelines/protocols to ensure monk seals and turtles are not impacted at Eastern Island pier.
- Conflicting information about powerboats being allowed to stop when they encounter dolphins.
- When and why are seabirds handled for public demonstrations?
- However, as you are aware, approximately 10,000 Laysan albatross chicks are killed annually from lead poisoning on Sand Island the main site of visitation. We have been concerned about this issue for quite some time and while we are excited about the visitors' plan, we feel that it is unacceptable to allow this large scale destruction of wildlife to continue, particularly at a National Wildlife Refuge in a National Monument. Thus, this problem must be remedied and the lead-based paint in both the buildings and the soils surrounding the buildings should be cleaned-up before instating the proposed visitors' program.
- We were relieved that the Monument recently receive a large fiscal appropriation and we hope that a good percentage of that money will be spent removing or cleaning all structures at Midway covered with lead paint, as well as the soil around them. This is an absolute priority for our members, of far greater importance than using the money to hire more Monument staff for paper pushing or public education, or for research that alternatively can be done in the main Hawaiian Islands. All that can wait until the lead paint is removed. Society members would like to see a Monument staff hiring freeze, with the money spent instead on hiring contractors to get the lead paint removed from Midway Atoll.

**FWS Response:** Refuge biological staff will consult with NOAA-Fisheries seal biologists to develop a monitoring plan to assess impacts to Hawaiian monk seals from the visitor program. This plan will be based on the existing data set of seal sightings on Sand Island over the past 10 years and available for public review. This monitoring plan will be drafted after approval of the Midway Atoll Interim Visitor Services Plan but prior to implementation of the full scale visitor services program. FWS will make it available to the public by posting it on the FWS Website at

<http://www.fws.gov/midway>. Long term trend analysis of use of the Sand Island beaches by monk seals should allow the biologists to determine if there is a noticeable change (geographic shift or decrease) in seal beach use over time. Although we will be monitoring behavioral changes, stress levels cannot be accurately measured without drawing blood, an act in itself that would significantly increase stress in the animal.

Additional information has been incorporated into the Endangered Species Act Section 7 consultation with NOAA-Fisheries, which has been approved by that agency. Also, a map of preferred monk seal sites has been developed and incorporated into the Environmental Assessment. These areas will be avoided by visitor activities (e.g., visitor-related powerboat traffic will be routed away from these areas, etc.).

Boats to be used in the visitor program normally would be docked at the finger piers to avoid potential disturbance of animals resting on the seaplane ramp. The need to launch any boat would be weighed against potential impact to the animal. Quietly launching boats in the past from the opposite side of the seaplane ramp where the monk seal or sea turtle is resting has shown minimal disturbance. Under no circumstances, except for a medical evacuation, would a boat be launched from the seaplane ramp if a monk seal mother and pup or a severely injured monk seal were present. The need for an educational sign at the boat ramp will be evaluated in the Midway Atoll sign plan. The seaplane ramp is closed to visitors for safety reasons as it normally is slippery.

The mandatory orientation required for all visitors will include all aspects of appropriate behavior if a Hawaiian monk seal is encountered. The orientation materials include specific indicators of wildlife behavioral responses to disturbance, especially for the Hawaiian monk seal and green sea turtle, as well as appropriate visitor response to being approached by wildlife. The orientation also includes a visual demonstration of a 150-foot distance. To our knowledge, monk seals generally have not hauled out onto a beach in close proximity to humans.

All visitor trips to Eastern Island will be closely supervised by FWS-approved staff and/or guides. Visitor tours of Eastern Island will be offered no more than once a week, unless specifically authorized by the refuge manager, and generally will be completed within a 3-hour period. Boats will tether toward the end of either side of the 150-foot pier, and disembarking passengers will be briefed on proper behavior to minimize disturbance to Hawaiian monk seals or green sea turtles that may be present on the nearby beach. Safe alternative landing sites are not available at Eastern Island.

We have modified the interim visitor services plan to ensure consistent protection of Hawaiian spinner dolphins in the lagoon. Power boat operators may slow to allow visitor observation of approaching spinner dolphins, but will neither pursue the dolphins nor specifically seek them out. If dolphins are encountered during transit between two points, we will allow the boat to slow and/or stop for visitor observation, but entering the water will not be allowed. Routes to and from snorkeling/dive sites will be plotted to avoid known resting areas of spinner dolphins (as well as monk seal and sea turtle preferred sites) in the lagoon.

Seabirds would normally be handled only for training purposes or if they are in distress. Visitors involved in assisting biologists in research and monitoring activities would be thoroughly trained, and their “handling” of birds would be minimal, perhaps holding the bird while the biologist bands it. Birds in distress, e.g., tangled in debris or blown from its nest site, would normally be assisted by monument staff or long-term volunteer.

While we do not agree that 10,000 albatross chicks are lost to lead poisoning each year, we do agree that removal of lead-based paint is an important project both for wildlife conservation and human health and safety. Lead-based paint on buildings at Midway Atoll is being removed as rapidly as possible with existing funding levels. A moratorium on hiring staff could delay, not advance, this important project, as the existing staff workload does not leave sufficient time to meet all requirements. Additional staff on Midway will not only facilitate the visitor services program but other important wildlife and habitat conservation projects as well.

### **Issue: Interpretation**

- Hope that human history and in particular World War II history is not short-changed.
- Lagoon aircraft, like the Corsair, should be raised, preserved, and put on display in the old hangar.
- Have Battle of Midway veterans record their memories and make available to visitors.
- VSP should address how independent, non-English speaking visitors will be handled prior to anticipated full staffing
- Will Midway signs be in other languages?
- Will cruise ships have Japanese interpreters to interpret FWS orientation?
- Monk seal interpretive signs should not be placed along West Beach Trail but at North Beach or Rusty Bucket.
- Wildlife signs should take priority over historical signs, especially where signs will mitigate violations to protected species.
- Consider use of numbered posts or similar indicators of sites of interest rather than interpretive panels. When accompanied with a well-written brochure, use of numbered sites will provide adequate interpretive information at far less cost.
- Consider and reference Kilauea Point NWR as a logical offsite exhibit and program site; KPNWR gets far more visitation than Mokuapapa Discovery Center.

**FWS Response:** We agree that Midway Atoll’s historical resources should be a significant part of our interpretive program. Two of the five interpretive themes identified in the interim visitor services plan relate to human history. We are fortunate that the U.S. Navy was able to videotape several Battle of Midway veterans in the mid-1990s, and that video is frequently shown to visitors at Midway. We would welcome additional opportunities to interview veterans to preserve their personal experiences at Midway.

Many of the sign-related concerns will be addressed in the stepdown Midway Atoll sign plan to be developed by February 2008. The interim visitor services plan provides for installing the

history-related interpretive panels before the wildlife-oriented panels because they already have been fabricated. They are currently in storage on Midway, awaiting installation.

Initially most of our interpretive material will be written in English. If we begin welcoming more foreign visitors, we will provide translations as needed. In recent years, most cruise ships have been coming from the United States or Great Britain rather than Japan. Should a cruise ship carrying non-English speaking visitors obtain a monument special ocean use permit, one of the permit conditions would be that an interpreter be made available to translate our orientation and other materials.

We will explore other opportunities and locations to include information about Midway Atoll and Papahānaumokuākea Marine National Monument within the outreach action plan in the monument management plan.

### **Issue: Snorkeling and Diving**

- Advise caution with independent snorkeling at cargo pier due to potential tiger shark threats.
- Need to remain open through August for divers.
- Minimizing the impact of snorkelers and divers on the coral reef communities would be aided by putting snorkel/dive protocols in place, providing educational materials and instruction to visitors, monitoring their activities with trained guides, and enforcing regulations with visitors and tourism operators.
- Appendix H.1-8 – I see that snorkel locations along the emergent reef are yet to be defined and want to encourage the staff to use the NOAA emergent reef monk seal and sea turtle surveys to help establish the safest place for humans to snorkel while mitigating the possibilities of disturbance to and interactions with protected species. NOAA surveys in the past have demonstrated that seals haul out on top of the emergent reef and are frequently seen in certain areas. Turtle sightings are more intermittent depending on tides but there are some areas they seem to prefer also. Surveys have also demonstrated that it is an important haul out place for juvenile and weaned pups who are commonly seen on the reef. Adult seals are also found there, some of which are pregnant and molting seals. There are several “hotspots” along the reef for these animals and plenty of areas outside of which would be great snorkel sites. One particular hotspot for seals is “reef hotel”. In the past, this has been a human destination too and encounters with monk seals were not uncommon. To avoid this type of interaction, I think it is appropriate to allow tours to stop at the reef hotel to view the area briefly for historical purposes, but snorkeling should occur at another sight.
- It is unclear from the Plan what specific protocols will be developed to ensure that snorkel and dive gear will not transmit invasive species. Although the Plan does state “Anyone bringing their own snorkel or dive gear to Midway will be required to treat the gear to prevent the inadvertent introduction or transmission of alien species”, we believe that not enough details have been provided. For example, what materials will be used to treat snorkel and dive gear? How will FWS staff ensure that visitors have properly

treated their gear? We assume state-of-the-art treatment will be applied, but no where is this explained in the plan.

- We are concerned that dive gear may become contaminated with coral disease pathogens prior to use in Midway. It has been shown that coral pathogens can be transmitted from an unhealthy coral reef ecosystem to a healthy ecosystem through dive gear, such as wetsuits. It is not clear from the Plan whether FWS has taken into consideration the spread of coral pathogens when offering snorkeling, and potentially SCUBA diving, as an activity. We urge FWS to explicitly detail how it will seek to prevent the spread of pathogens via dive gear, such as wetsuits, by drafting proper protocols to minimize this risk.
- We have additional concerns over the possible use of cruise ships, or other vessels, serving as a “mother ship” to allow recreational diving operations at other locations within the NWHI, such as Kure Atoll or Pearl and Hermes reef. We do not support Midway access by commercial “live-aboard” vessels. The Midway Plan suggests that it “seems unlikely such a [live-aboard] vessel could meet the environmental standards required of vessels within the monument.” We also note that the Plan would not allow snorkeling and diving activities for cruise ship passengers. We support those restrictions, and note that the scope of the VSP restrictions is limited to Midway Atoll. We recommend that live-aboard dive cruise vessels not be allowed at Midway or in the waters off other islands and atolls throughout the NWHI.

**FWS Response:** All snorkel trips into the lagoon will be guided by FWS or FWS-approved leaders (e.g., trained volunteers or NOAA employees) during this interim period. It is unlikely a snorkel or dive concessionaire would be sought during this introductory period. FWS will work with NOAA to review Hawaiian monk seal “hot spots” and will avoid any areas where monk seals are seen on the emergent reef. Because haul-out sites can be variable, it is difficult to pinpoint exactly where snorkeling activities will occur. All snorkelers will be briefed about wildlife etiquette and human safety before entering the water.

Tiger sharks are a concern during certain times of the year (primarily June-August), and visitors will be briefed during the mandatory orientation session if sharks may be present. Water-related activities will not be permitted during peak shark foraging times (½ hour before dusk to ½ hour after sunrise). All boat-based visitor activities will end 1 hour before sunset. Although offering a year-round visitor program is an option for the future, for the life of this interim plan, it is unlikely we can accommodate divers during August when our construction season begins.

We have now included the specific snorkel and dive gear cleaning protocols developed for the monument in the interim visitor services plan. These protocols were developed and reviewed by scientists and dive officers from the Federal, State, and private sectors to ensure that transmission of coral disease pathogens and invasive species are prevented. All visitors bringing such equipment to Midway will be required to follow these protocols on site.

We have clarified in the interim visitor services plan that live-aboard dive boats will not be allowed at Midway Atoll.

## Issue: Kayaking

- Keep kayaks 500' from shore from Rusty Bucket to Frigate Point consistent with Eastern and Spit; will encourage monk seals to use West Beach for pupping. Guided snorkeling and kayaking tours have potential to disturb resting monk seals on emergent reef. Kayaking up to emergent reef not recommended since patch reefs are shallow enough for paddles and boats to come in contact with corals. Recommend buoy system 500 feet from emergent reef be installed for kayaks.
- With regards to kayaking along the emergent reef, I recommend this be done at minimum 100m from the reef with restrictions in place based on seal and turtle "hotspots".
- Recommend only seasonal kayaking activities due to potential disturbance of wildlife and potential hazards from tiger sharks.
- Since kayaking along West Beach will be a new activity to occur at Midway, I would recommend initially approaching it in a cautious manner to allow for observations to occur on how, or if, seals and turtles respond to the activity. Granted the NOAA safe viewing guidelines are set at 50 m for seals and turtles and 150m for mom with pups, but this is a minimum distance suggestion. I recommend that kayaking take place no closer than 100m to shore and at least 150m from moms with pups. This sides on the air of caution, which helps insure both a positive experience to the guest and maintains the objective of providing a safe haven to the atolls protected species. This also gives a better buffer between kayaks and seals that cruise the shoreline. Some seals first reaction to an object such as a kayak or boat is curiosity and they will approach. The closer boats are to shore, the easier this encounter will become. Furthermore, if a seal on the beach is alerted to kayaks, some will ignore them, some will become curious and approach them, and some will flee the area. In 2 out of 3 situations an animal is vulnerable to disturbance. In addition, seals are difficult to see in the water, and guides may not have time to respond to a circumstance if they are only 50m from shore without causing some form of disturbance to the seal. I see no real benefit to allow for close paddling to the island. The risk to wildlife outweighs the benefits to humans. I also recommend that kayaking along Sand Island during albatross fledgling season not be allowed. Tiger sharks patrolling the area could be of great danger to people.
- I would like to suggest that any kayak guides also be regular FWS approved concessionaires along with the dive masters. Like diving/dive training, kayak tour guiding for inexperienced guests requires more than a casual volunteer operator to make guided kayak touring safe, interesting, fun, and educational. I have been a kayak tour guide since 1978 and have also spent a lot of time training other guides. There is a lot to know and to impart to one's guests, hydration and sun protection to start with. The initial orientation instruction session is crucial to set the stage for the success of the tour. Therefore I am asking you to make this recreational activity allowed only through professional and permitted, experienced kayak tour guides who have a professional work life at stake in the quality of their tours. It is not safe or adequate enough to have "Guided kayaking tours ... closely supervised by Service staff, Service-trained volunteers, or cooperators," because there are too many unforeseen negative variables that may happen

which can be prevented or overcome by the knowledge and skill of professional, lifeguard-certified kayak tour guides. Snorkeling is an area where many guests can experience difficulty breathing, leading to near drowning episodes. A professional kayak tour guide can teach snorkeling safety and take 12 guests at a time paddling and snorkeling safely and in comfort.

- page 37: Support boat should accompany kayaking tours in case of problems

**FWS Response:** We have maintained the Watchable Wildlife viewing guidelines in the interim visitor services plan requiring kayak tour groups to stay 150 feet from the West Beach shoreline. If a Hawaiian monk seal mother and pup are present, the kayak tours will remain at least 500 feet from shore. We believe these distances will ensure monk seals are not disturbed during resting periods. All kayaking activities will be closely monitored to ensure no wildlife disturbance occurs. As part of the wildlife viewing etiquette to be included in briefings for the kayak tours, visitors will be reminded to keep their voices low to minimize wildlife disturbance and maximize wildlife viewing opportunities.

The draft interim visitor services plan describes the kayak tour area as from the cargo pier across the northern beach, and around Rusty Bucket to Frigate Point. No kayaks will go to Eastern or Spit Islands or to the emergent reef. No snorkeling will occur from kayaks. The Refuge Manager has the authority to halt kayaking tours if sharks or any other threat to human safety, or if inappropriate impacts to wildlife or habitat arise.

With the small scale of this interim program, we do not believe it is necessary to seek a concessionaire to offer guided kayaking tours. We also do not plan to accompany kayaking tours with a support powerboat, which could cause significant wildlife disturbance and impact the tranquility of the kayaking tour.

### **Issue: Trails**

- West Beach Trail hiking: The intent of the trail within the vegetation was to keep people off the beach and hopefully encourage seals to use that coast for hauling. Seals now use this beach regularly and the seals come into the vegetation, sometimes even crossing the trail. Continued use of this trail, as you propose, requires that it be rerouted inland at least another 50'. With some monitoring of seal hauling on this coast, the several spurs out to the edge of the vegetation could be allowed, but may also need to be rerouted through vegetation in areas identified that seals do not use. Monitoring of seal hauling on this coast must be conducted often to ensure that a new trail is adequately distant from the beach to ensure seals are not disturbed.
- Native vegetation planted along West Beach Trail attracted seals to vegetation. Best blind was dolphin tower at Rusty Bucket.
- West Beach trail is a wonderful section of the island where visitors can get a unique experience of Midway's serene beauty and I support the improvement of the trail. I do have a few suggestions regarding maintaining a lower impact to resting monk seals that utilize the area. First, consider moving sections of the trail that are closest to the beach

slightly inland. Second, consider restricting trail hours to mid-day and early afternoon hours. And finally, consider limiting access to the trail during the winter months to small-guided tours only. The above suggestions take into consideration monk seals typical resting behaviors. If the weather is within normal ranges, seals typically stay high up in the vegetation during the morning hours and work their way down the beach slope to the wet sand once temperatures warm up. And in the late afternoon/early evening hours monk seals will usually haul up towards the vegetation for preferred resting. Many seals also choose to lie up against a log or tree stump. If the weather is adverse, (or seals are molting) seals can be found resting in the vegetation any time of day or night. Even with precautions, there are going to be seals that haul up very high in the vegetation. This more typically can occur in the winter months when juvenile monk seals are seeking warmth and a windbreak. Restricting access to the West Beach trail during the winter to small guided tours help insure that these juvenile seals will be seen by a watchful eye familiar with monk seal behaviors instead of accidentally being happened upon by an untrained observer, potentially causing an animal to flee. Furthermore, limiting access to mid-day and early afternoon hours helps to insure that interactions with seals are less likely to occur.

- I'm not sure whether this continues to be a situation that occurs, but in the past, there was a section of the cart trail near the beginning of South Beach just after Bulky Dump that was close to the beach. A number of times seals hauled up high near the road and runners would pass by them within 50 feet because they hadn't seen the seal as they were approaching. If there are not signs present now and the situation is similar, I would recommend that signs be posted from both directions of that area so that runners, walkers and golf cart users know to be alert for seals so they can avoid an accidental disturbance.
- Recommend establishment of alternative trails on Eastern Island in anticipation of species-specific nesting seasons; birds on Eastern not as habituated to people as those on Sand Island.
- Recommend that a specified trail be made/used on Eastern Island tours modeled on Galapagos system to keep wildlife disturbance to a distinct area, keep visitors from straying away from group, and allow sensitive wildlife to identify where repeated disturbance areas will be year in and year out.

**FWS Response:** The West Beach trail needs significant maintenance work, which will be performed during nonalbatross season this year. FWS will work with NOAA to monitor the trail as necessary to avoid disturbing monk seals, but we do not anticipate major changes will be necessary. The original trail was designed in consultation with monk seal biologists, and much of it is behind dunes and in the midst of the ironwood forest. As wildlife interpretive panels are developed, we will emphasize the need to be alert for resting monk seals, even in the vegetation, and maintain the required distance from them at all times. These same signs can be used along the South Beach trail, if necessary.

The Eastern Island tour route does vary according to the presence of wildlife. Sooty and gray-backed terns blanket portions of the island from April to August and are very susceptible to disturbance. Therefore, Eastern Island tours are generally rerouted and shortened to minimize

disruptions. Although in general the same route (the historic runways) is used, we believe it is more appropriate for humans to adapt as necessary rather than to expect the wildlife to adapt.

### **Issue: Volunteers**

- Supports involving volunteers in habitat restoration, wildlife monitoring
- Keep beach cleanup groups together; look for seals and turtles in advance; keep groups small

**FWS Response:** No changes were made in the volunteer strategies as we noted refuge or other designated biologists would ensure no Hawaiian monk seals or sea turtles were present on a beach to be cleaned prior to allowing visitors access.

### **Issue: Use of Amateur Radios**

- I am very excited that the conclusions proffered in Appendix F.7 indicate that Amateur Radio is an appropriate activity at the Midway Atoll National Wildlife Refuge. After careful consideration, I am certain that the Amateur Radio community can work together to provide resources and capabilities to turn the “No” answers in points (g), (h), and (i) in the Decision Criteria chart in Appendix F.7 into “Yes” answers that would benefit both Amateur Radio and Midway Atoll NWR.
- An antenna height of 5 feet would be a hazard to humans. Suggest placing antenna near a building within 100-200 feet of operating position, limiting antenna height to that of structures or trees around the site or on top of the building near the airport. Some vertical antennas (Steppir type) have only one vertical pole about 30 feet tall but not requiring any guy wire; similar type was used on Kure Island without any bird strikes. Allow ham radio operations during time of low bird activity. Use bright nylon string or flagging on guy wires. Set up a test run during nonbird season.
- Could the old ham radio station be repaired and maintained, at our expense, for future uses? Some antennas could be attached to a tree or utility pole and be inconspicuous.
- I feel that U.S. Fish and Wildlife Service and the Midway Atoll NWR should support the development of an “Amateur Radio Friends of Midway Atoll” group. This group would work with the management of the Midway Atoll NWR to develop a program that would formulate the guidelines for future Midway Atoll NWR use by Amateur Radio operators.
- Consider fixed, permanent Amateur Base Station in office on the second floor of the main hangar with a low-profile antenna mounted on the roof. Could be used by visitors to enhance public's understanding and appreciation of refuge natural resources. Used in this manner would make amateur radio use "appropriate" in finding (Appendix F.7).

**FWS Response:** Although we appreciate the commenters' desire to have only positive responses in the FWS Finding of Appropriateness of a Refuge Use for Amateur Radio Use on Midway Atoll, the result of the evaluation is that this use is “Appropriate,” and therefore the refuge manager proceeded with a compatibility determination. There is no need to change the answers on the decision criteria chart to “yes” answers. We clearly note, however, that Midway Atoll NWR is somewhat unique in the National Wildlife Refuge System, based in part due to its

extensive development, and a finding of appropriateness and determination of compatibility for Sand Island (only) should not be viewed as encouragement or precedent that this activity will likewise be found appropriate and compatible on other refuges.

The former amateur radio base station was in the main aircraft hangar, a building which is in serious disrepair and contains asbestos. A new but much smaller airport operations building will be constructed in the near future. We do not believe it would be safe to reopen the former base station, and no room will be available for a base station in the new facility.

We much appreciate the detailed information provided about antennae types, heights, and positioning. We will be pleased to work with amateur radio users to develop a protocol for their operations on Midway, perhaps by using a permanent antennae, purchased and installed not at Government expense, attached to a permanent structure already avoided by flying seabirds. We would encourage amateur radio users to work with our existing Friends of Midway Atoll National Wildlife Refuge support group if they would like to join or form a subsection of that group.

## **Issue: Means of Transportation**

### *Aircraft to Midway*

- It is unclear that if visitors are scheduled to visit Midway, either on their own or as part of a group, that airplane space would be assured for the dates scheduled. There are many instances in the history of air travel to Midway that reflect the priority status of Service personnel and equipment on flights from Honolulu. If visitors are to be worked into this flight schedule there must be an assurance that they will have access to flight space. They cannot be left in Honolulu to wait for the next flight. If you are going to run a visitor program which includes living accommodations and meals, these facilities must be assured to the visitor.
- page 30: Recommend that instead of using existing FWS charters to bring tourists on available seats, additional charter flights should be reserved that could serve as tourist charters.
- What is the planned flight frequency from Honolulu? Will it be weekly? It is not clear in the plan what the minimum stay at Midway could be.
- One flight per week will severely limit the number of people who choose to visit Midway; most people don't have that much time to devote to vacations; operate additional mid-week flight 3 or 4 times per season.
- Need larger aircraft, such as a 737 combo jet or Regional Jet that seats 50-70 passengers or small jet airliner such as those that fly from Hawaii to West Coast.
- Aircraft capacity has significant impact on fee structure and the experience; larger capacity will reduce cost but lessen personal experience and special access.

**FWS Response:** We have clarified in the interim visitor services plan that visitors would be coming to and from Midway on separate charters from those bringing FWS or contractor employees and supplies to Midway. Occasionally, if all the seats are not filled on a “visitor”

flight, we may add a government employee or contractor, but that would be an exception rather than regular practice. Just as with regularly scheduled commercial flights, we cannot guarantee flights to and from Midway will not be cancelled due to mechanical problems or weather disturbances.

The revised plan also states that generally, visits to Midway would be for a 1-week period to maximize the economy of charter flights, but that occasionally visits of a shorter period of time will be accommodated.

We agree that a larger capacity aircraft could make the airfare more economical; however, so far we have been unable to locate any entity other than our existing charter operation that is interested in operate irregularly scheduled air service to Midway. We also are limited by the lengthy distance to Midway, the Federal certifications required for carrying passengers long distances over water, and the hazards of flying into a seabird colony. We will continue our search.

#### *Cruise ships to Midway*

- A great deal of data suggests that cruise ships at Midway could have a profoundly negative impact on the ecology there, including the introduction of invasive species and waste dumping. Not only do the normal operations of these vessels pose grave threats to ecosystems and water quality of coastal ecosystems, but resource managers have documented cruise ship operators repeatedly violating regulations and restrictions on ocean dumping of gray water, black water and toxic substances like photo developing chemicals and drycleaning fluids in sensitive locations like Monterey Bay and the Alaskan Coast. Their past record suggests that cruise ships cannot be trusted to maintain even basic environmental standards; given the extreme fragility of the NWHI ecosystem and the global significance of this area, cruise ships should be banned completely from entering the waters within 3 nautical miles of the shore of any of the Northwest Hawaiian Islands.
- Highly opposed to having cruise ships visit this very special area because they emit pollution from their smokestacks equivalent to 12,000 cars a day.
- It is stated that all permitted vessels will have their hulls inspected and cleaned when required. It is unclear from the Visitor Services Plan when and where vessels will be required to be inspected and cleaned. It is also unclear from the Plan what happens if invasive species are found on a ship's hull. For example, will this boat be cleaned within monument waters? Will it be denied entry into Midway if it is not cleaned?
- It is unclear how, and if, tenders will be inspected for invasive species. If the boats will not be inspected prior to transporting visitors to the Atoll, we recommend that this decision be reconsidered.
- We believe the Plan needs to address the use of anti-fouling paint, with particular attention to cruise ships. Studies have shown that anti-fouling paints in the past have had negative impacts on marine ecosystems, including coral reefs. We believe the FWS needs to address these concerns and explain what precautions will be implemented in order to prevent the negative impacts of anti-fouling paints.

- We are concerned that the Visitor Services Plan does not clearly state whether all cruise ships have to individually apply for and receive a permit, or whether one permit will be issued to all cruise ships allowed to visit Midway annually. We believe that each cruise ship should have to individually apply for a special ocean use permit in order to ensure that each cruise ship company meets the permit requirements and adheres to monument regulations, including the invasive species protocol. We also encourage that the permits issued to cruise ships to visit Midway are reviewed prior to issuance by all monument co-trustees for their suggestions based on their expertise.
- Will cruise ships need a permit to visit Midway? Does Midway's sewer system handle the load of hundreds of cruise ship visitors using restroom? Are ships tenders checked for rats and invasives? Ships on round the world cruises may carry alien species on hulls and anchors; require Midway as first stop rather than last. Was there a baseline benthic habitat study of area where cruise ships have been anchoring? Do not schedule cruise ship when other visitors on island.
- Objective 2.3 provides visitor opportunities for 'up to three cruise ships per year,' but does not differentiate between three cruise ships (making multiple visits) or three cruise ship visits per year (1-3 ships in total). Depending on their size and capacity, three cruise ship visits over the course of a year could have limited impact, assuming that appropriate safeguards are implemented. However, multiple visits by three vessels easily could be excessive. The impacts from increased vessel visits will affect the nearshore mooring areas adjacent to Midway Atoll as well as waters outside of the 3-mile radius. Damage to coral reefs and marine ecosystems by cruise ships as a result of anchoring and mooring has been documented in the Caribbean. Cruise ships generate waste comparable to small cities, but are not subject to similar wastewater regulations, and can dump waste water within three miles of land. Monitoring compliance with federal regulations will be of utmost importance for vessels visiting remote areas such as Midway Atoll.
- We recommend elaboration of the draft plan to clearly provide guidance as to the number of visits per ship, the sizes of ships to be allowed, and the number of visitors to be allowed per ship or in total, and to clearly limit the number of cruise ship visits to a total three visits per year.
- Perhaps there could be a cap placed on the number of cruise ships allowed to visit.
- Appendix G-29: EA does not adequately address potential impacts to coral reefs, monk seals, sea turtles, sea birds and the ecology of the NWHI monument and Midway SMA from cruise ships. Recommend the EA address potential impacts of a vessel grounding and fuel/oil spill and introduction of invasive species due to hull fouling. Specifically recommend a description of how FWS plans to respond to an accidental grounding of a cruise ship and how introduced species will be eradicated in the event of an accidental introduction. In addition, recommend EA discuss any indirect, secondary, or cumulative impacts of cruise ships anchoring on essential fish habitat, monument resources, qualities, or ecological integrity as required by Proclamation 8031.
- Primary concern is appropriateness of allowing cruise ships into Monument and Midway SMA, ensuring all proposed activities in compliance with Monument permit requirements as specified in 50 CFR 404.11.

- The purposes of the cruise ship visits should be considered in granting access. We are aware, for example, of the interest in transporting Midway veterans and their friends and families to visit the Battle of Midway National Memorial. This would be an appropriate purpose for the use of a cruise ship within the Monument, assuming that all environmental protection measures are followed. It is not clear that other types of cruise ship access are appropriate. As the VSP stipulates, cruise ship visitors must be accompanied by guides to assure that they remain within walking tour boundaries.
- Item 16 of the Cruise Ship Requirements listed in Appendix E calls for the cruise ships to provide staff to serve as on-island group escorts. Two guides are needed for each tour group, to escort visitors from one interpretive site to the next. It is not clear from the document whether there would be USFWS Staff with each of these groups, or whether the guides would be on their own, under the general supervision of the USFWS staff. Depending on cruise ship guides alone would not seem to adequately protect seals and turtles, given the large number of persons involved. In addition, Appendix F.2-6 states that “cruise ship visitors receive an orientation from a Service representative onboard ship or by handouts specific to their visit to Midway Atoll.” It would seem highly inappropriate to have the orientation of hundreds of visitors based on handouts alone. It is quite important that USFWS have sufficient staff presence to fully brief and accompany any such visitors, if they are indeed permitted.
- page 31: Should point out that transfer of passengers from cruise ships may be prevented by weather and wave conditions. Also, Refuge Manager and/or Ship's Captain should have authority to make that decision.
- I am happy to hear that I can take a cruise ship to Midway, to view this pivotal place in history. I think this will be a great tourist opportunity.
- Induce Norwegian Cruise Lines to offer a few Honolulu to Midway cruises.

**FWS Response:** We have clarified the language in the interim visitor services plan to state that a maximum of three individual cruise ship visits will be allowed at Midway during any year. All cruise ships must apply for a monument special ocean use permit and meet the requirements of Proclamation 8031, its implementing regulations, and permit conditions. Included in those are requirements for hull inspections of the cruise ship and its tenders, rat certifications, discharge of materials, and a vessel monitoring system that has been approved by NOAA. Hull inspections are completed before the vessel enters monument waters, and each vessel must pass the inspection before a monument permit will be issued. Anchoring is in an area immediately outside the entrance channel that was heavily impacted by dredging during the channel's creation. All monument permits are reviewed by all monument co-trustees.

Emergency responses to accidental groundings are addressed in Midway Atoll's Spill Prevention, Control, and Countermeasure Plan and will be further addressed in the monument management plan. The approval or denial of permits for ships using anti-fouling paint also is beyond the scope of the visitor services plan and should be addressed in permitting requirements for the monument.

Cruise ship visitors offload at the dock at the seaplane hangar apron and walk on existing roads or in a portion of the open beach on the north shore of Sand Island. The beach is inspected for monk seals prior to their arrival, and a NOAA or FWS employee continuously monitors the beach for the time visitors may be present. If a monk seal is on the beach, visitors are directed to another area of the beach. Thus, cruise ship visitors do not interact with monk seals or sea turtles during their walking tours of Sand Island. These visitors do have the opportunity to walk along roads through areas where albatross are nesting, but these birds are accustomed to humans and traffic. Biologists, other FWS employees, volunteers, and guides provide continual surveillance of cruise ship visitor activities.

Although most of our cruise ship visitors have come to Midway for its historic values, we have also had cruise ships stop because of the refuge's wildlife values. None have come looking for "resort" values. In applying for a special ocean use permit, the cruise ship company must define how their proposed activity "furthers the conservation and management of the monument." Their application is reviewed based on all the findings of the Proclamation establishing the monument.

Weather has precluded stops by a few cruise ships over the past several years, and both the refuge manager and cruise ship captain have the authority to make the decision not to offload passengers. The interim visitor services plan now includes that information.

Any cruise ship company may apply for a special ocean use permit to visit Midway. FWS did solicit a cruise ship to visit Midway to commemorate the 65<sup>th</sup> anniversary of the Battle of Midway, but we have no plans to recruit specific cruise ships in the future.

*On-island/Harbor Transportation:*

- Golf cart use should be restricted to staff or trained individuals during albatross fledging season.
- Recommend golf cart use at night is restricted to minimize bird strikes.
- Appendix H.1-8 & H.1-12 –Speeds that boats enter the harbor area should all be limited to 5 mph. Currently in Appendix H, cruise ship shuttle boats are advised to travel 15 mph or less within the harbor, whereas other boats are advised to travel at 5 mph. A standard no wake zone (5 mph) should be in place, which gives continuity to the regulation and affords more protection to turtles or monk seals in the area.

**FWS Response:** Most visitors tend to walk or ride bicycles on Midway, although organized groups frequently offer a golf cart ride to participants in their programs who are unable to keep up with tours or need assistance shuttling materials and tools for work projects on Midway. In these cases, the golf carts are generally driven by FWS employees or tour group leaders. Anyone driving a golf cart will be given explicit instructions regarding how to drive during albatross season. Driving golf carts at night is not encouraged, but will not be banned since some visitors may require such transportation assistance.

We have adjusted the section 7 consultations to be consistent in permitted boat speeds within the harbor (6 mph or 10 knots).

### **Issue: Adequacy of Funding to Implement the Program**

- We have the following comments and questions regarding the marketing and feasibility study:
  - 1) A major portion of the MPC visitor program was recreational sport fishing. Such activities are prohibited under the Proclamation, so one key assumption of the VSP is that the sport fishing market segment will have to be replaced by another significant type of activity.
  - 2) There are some major differences between some of the assumptions of the Pandion study and the VSP. These differences, in general, suggest that more conservative revenue estimates for the VSP than are suggested in the study. The differences include the following:
    - a) The capacity used in the Study for determining Average Occupancy Rate of Lodging was based on 12 months of operation, with a maximum capacity of 72 visitors per day (36 rooms at double occupancy). Maximum occupancy under these assumptions would be  $365 \text{ days} \times 72 = 26,280$  Visitor days. Thus, a 10% occupancy rate would mean 2,628 visitor days, as shown in Table 4-5 of The Study. Under these assumptions, and related revenues and expenses, the breakeven point for the Visitor Program would be 11.6%.
    - b) The VSP, however, states that a maximum of 30 visitors per day would be allowed on island in 2007 and 50 visitors per day in 2008 and beyond for the duration of the VSP. Also, the Visitor Program would operate only during the months of November through July. Thus the maximum capacity in visitor days, assuming the higher level of 50 visitors per day, would be  $273$  (the total days November through July)  $\times 50 = 13,650$  Visitor days. Assuming that the same assumptions hold for the breakeven point of 11.6%, or 3,044 Visitor Days, then the VSP would require an average occupancy rate of  $3,044/13,650$ , or 22%, roughly double that required under The Study. This still appears to be a low target requirement for break-even, but it suggests that the upper range of revenue projections in The Study are overly optimistic given the constraints stated in the VSP.
- We have substantial concerns regarding the requirement that the visitor program be entirely self-funding. If the self-funding requirement leads to the generation of similar pressures on staff to “relax” conservation rules, then this would not be a compatible use of refuge resources.
- I'm concerned that, without proper funding, your agency may not be able to monitor and manage the increased flow of visitors to Midway.
- We have a major concern that the pricing of visitor access and use at Midway is going to be so high that it will preclude many visitors from seeing this wonderful and unique resource. A quick analysis of the cost listed in the plan would put a weekly visit, including airfare from Honolulu, at nearly \$3,500 per week. This would be in addition to

the cost of getting to Honolulu from the mainland or other parts of the world. These costs rival those of major wildlife destinations conducted by commercial enterprises, which includes a substantial profit margin. It does not seem appropriate that costs to visit a national wildlife refuge should be equivalent to commercial enterprises. There is a general benefit to the refuge system by having public use and visitors and the Service should recognize this and build some level of support into the costs of operating a visitor program at Midway Atoll NWR.

- The Fish and Wildlife Service has given you restrictions that may make the Plan difficult to implement and sustain. The central issue is the Midway has been directed to make the Visitor Use program self-sustaining. This is an anomaly within the refuge system and places an unfair and unreasonable burden on the visitor program at Midway. It is our judgment that the Fish and Wildlife Service should be underwriting many of the cost associated with visitor services such as staffing, just as it does at other refuges.
- Recommends private recreational fishing concession at Midway as a means to provide funding source for Monument.

**FWS Response:** The interim visitor services plan was guided by the Pandion Systems report, but we have no plans to modify their report. At our request, Pandion Systems did not include recreational sport fishing as a potential market segment during their analysis, including their financial analysis. We concur that a higher occupancy rate than that stated in the Pandion report will be required under the interim visitor services plan if the program is to be self-funding.

Similar to many other Federal agencies, FWS is currently experiencing tightening budgets. While the National Wildlife Refuge System's annual budget remains higher than a decade ago, we estimate that it needs \$15 million in additional funding each year just to meet increased operating costs. Despite increases in Refuge System budgets over the past 5 years, continued increases in salaries and benefit costs, energy, and other uncontrollable inflationary costs continue to erode base funding for resource management and public use programs throughout the Refuge System. With this trend expected to continue in the foreseeable future, and with increasing public demand for government efficiency, FWS is examining all aspects of its operations in order to ensure that our limited resources are effectively used to accomplish our mission. More and more of our refuges are now relying on visitor fees to cover the cost of their visitor programs. Although it is unlikely visitors can cover all costs of the visitor program at Midway under this interim visitor services plan, our goal will be to make the program self-sustaining. In the meantime, we will not sacrifice monitoring and management efforts or the protection of our natural and historic resources.

Presidential Proclamation 8031 does not provide for recreational fishing at Midway Atoll.

#### **Issue: Costs to the Visitor**

- Disappointed in costs outlined in plan. Use superferry for transportation to reduce costs. Lodging costs are comparable to a quality resort, which is not the type of facility you have.

- page 50: Lay out anticipated costs you are trying to recoup through visitor charges and those that will be covered through other funding sources (e.g., airport ops, etc.) Explain difference between the entrance fee and the visitor fee.
- As retired schoolteachers we are not wealthy, and what would hold us back, if the island is opened, is the huge increase in the price from what it was before, when Midway Phoenix was the contractor in charge of the island. What I would like to see are the following: 1. Lower air fares, 2. Lower lodging rates, 3. Lower meal costs, 4. Lower fee structure.
- One area in which this excellent plan did not seem to address was the whole issue of attracting visitors and who to focus on. It seems a shame to me that only the wealthy will be able to visit Midway Island with its incredible diversity of animal and marine life and its wealth of history, because of the very high cost of airfare. I approve your encouragement of college and other educational and extended groups, and would like to see some mechanism for scholarships or otherwise funding the airfare for less privileged groups of high school and college young people to be able to experience Midway as well.
- Entrance and visitor fees too high; all other fees seem fair and reasonable.
- Should offer limited number of discounted trips each year for citizens who cannot afford to visit Midway and are not capable of participating in volunteer program. Midway should be accessible to all taxpayers.
- In the draft I read that some visitors may only stay 3 days. If a visitor had to remain for a week with only one plane in and out perhaps it would significantly reduce the cost of the fare.

**FWS Response:** As indicated in the draft interim visitor services plan, FWS recognizes that the visitor program costs proposed are very high. Every aspect of operations at Midway Atoll is costly and complicated, simply because Midway is very remote. The fees outlined are based on actual costs, e.g., the charter aircraft that costs \$30,000 can carry 15 people to Midway, thus the airfare is \$2,000 per person. The cost of the flight remains the same no matter the frequency of the flights, so lengthening or shortening the visit to Midway would not affect the airfare. Lodging costs cover contractor costs for maintaining rooms and building maintenance. Meal costs reflect the cost of transporting fresh foods to Midway as well as food preparation costs. On-island transportation rental fees will enable repair and replacement of bicycles and golf carts as necessary. We are committed to continuing our search for more cost-effective management of the visitor program.

We strongly encourage educational groups to seek grants to help cover their costs at Midway Atoll. If such grant opportunities become available through FWS, we will seek a partner or work through our Friends of Midway Atoll National Wildlife Refuge support group to make educational programs more affordable at Midway.

The entrance fee at Midway (\$5.00 per person per day) is collected under the authority of the Federal Lands Recreation Enhancement Act. This fee is not charged to any person under 16 years of age, or to anyone with a valid entrance pass such as a Golden Passport, Duck Stamp, or America the Beautiful (National Parks and Federal Recreational Lands) Pass. Midway's

visitor fee is collected under the refuge's receipt authority and contributes toward the cost of additional refuge staffing or extended on-island volunteers needed to work with visitors, as well as enhancing visitor facilities.

### **Issue: Miscellaneous Comments**

- The Visitor Services Plan states “The monument was established to protect the historic and scientific features of the Northwestern Hawaiian Islands and to enhance visitation in a special area around Midway Atoll...” We believe that the Visitor Services Plan has mischaracterized the purpose of the establishment of the monument. Proclamation 8031 states: “Midway Atoll Special Management Area means the area of the monument surrounding Midway Atoll out to a distance of 12 nautical miles, established for the enhanced management, protection, and preservation of monument wildlife and historical resources.” Although in his remarks proclaiming the monument President Bush mentioned the historical significance of the Atoll and the need to provide opportunity for people to visit Midway, we are concerned that use of the word “enhance” mischaracterizes the purpose of the monument and may lead to greater weight being put on visitation than intended. If this mischaracterization is ratified, it may lead to a sense of tour business entitlement that will lead to an increase in visitation to the monument that will have a negative impact on the finite resources of Midway Atoll, and potentially on other islands and atolls within the NWHI, such as Kure. The Plan should state that the primary purpose of Midway Atoll is the protection and preservation of resources, and only visitor uses deemed compatible with that purpose will be allowed, and only then under strict regulation to protect the ecological integrity of the islands. Furthermore, ecological protection requires a rigorous evaluation of the environmental impacts of various means of access.

**FWS Response:** Although we agree that the primary purpose of Midway Atoll to protect and conserve its wildlife resources, the language included in the interim visitor services plan was taken directly from the White House fact sheet issued with Proclamation 8031. We have not changed the paragraph, but will continue to comply with National Wildlife Refuge System Administrative Act and Proclamation requirements that only those visitor uses that have been deemed to be compatible will be allowed. Monument designation did not erase the underlying purposes and authorities of the two pre-existing NWRs, and Refuge System law and policy strongly encourages compatible wildlife-dependent recreational activities. This interim visitor services plan seeks to meet that policy direction in the context of monument requirements.

- page 19: Reconsider decision to not protect Cold War facilities

**FWS Response:** Midway's structures were evaluated by the U.S. Navy prior to their departure from Midway and in consultation with the Advisory Council on Historic Preservation and FWS. The interim visitor services plan has been modified to provide additional information regarding why Cold War facilities were not designated as eligible for listing on the National Register of Historic Places.

- page 46: Before initiating an aggressive marketing effort, suggest you systematically approach large diversity of nature and photography tour leaders and companies that would be attracted to Midway

**FWS Response:** Identifying and contacting such companies is part of our interim visitor services plan under Objective 2.6.