



**UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
ENDANGERED SPECIES PROGRAM**

TELEPHONIC INTERVIEW (Time 9:00)

**NEWELL'S SHEARWATER (HOST ANN HAAS WITH SPECIAL AGENT
KEITH SWINDLE)**

This transcript was produced from audio provided by FWS Endangered Species Program

P R O C E E D I N G S

(Music plays.)

MS. HAAS: Hi, this is Ann Haas with the U.S. Fish and Wildlife Service talking with Special Agent Keith Swindle.

Agent Swindle, first as a Fish and Wild Life Service Special Agent, you were chosen as a recovery champion for, and I will quote this: "Bringing legal action to bear on chronic violations of the endangered species act in Hawaii particularly on behalf of the Newell's Shearwater."

Tell us what was happening, will you? And what you did to help this threatened sea bird?

AGENT SWINDLE: Yes, for about 30 years there has been a chronic problem throughout Hawaii with a variety of seabirds, but in particularly the Newell's shearwater. These birds essentially grow up in a hole in the ground up in the mountains, under the vegetation. So they hatch from the egg and over a couple of months, they then grown up and then they have one chance to make it all the way to the ocean where they spend most of the rest of their lives.

And they're up on these steep cliff sides and they can climb the vegetation and then jump off. And then they're air born. If there is no moon in the sky and they see big...it's like a stadium for example, then they will get attracted to those lights and they'll either strike those lights directly. Or they'll circle them and circle them and circle them and then as they circle they get tired and they end up coming

down – getting stranded on the ground. Unless their helped, they're pretty much a dead bird.

MS. HAAS: Is that what they call fall out?

AGENT SWINDLE: Yeah, yeah. The local term in Hawaii is seabird fall out because they literally kind of fall out of the sky after circling for so long.

MS. HAAS: So what is the problem then in terms of their flight?

AGENT SWINDLE: They do this at night and they tend to be attracted to unshielded light sources. And they can also run into problems with power lines or other utility lines that are in their way. And like I said, this has been going on for 30 years.

MS. HAAS: So they think the light is the moon? Is that it?

AGENT SWINDLE: You know, we really don't know why or how they navigate, but we do know that when there is a night with a nice moon in the sky, that very few of them end up grounded or attracted to artificial lights.

MS. HAAS: And how did the Justice Department help?

AGENT SWINDLE: When I arrived in Hawaii about a decade ago, I was actually asked to look into this chronic situation and it turns out that folks have known about his for so long. And there are corrective measures that could be implemented like shielding lights, or maybe altering power lines a little bit to correct it and just has never been done.

Literally, every outdoor light on the island of Hawaii was a potential source of attraction to these birds. So I went around and I identified what the problem lights were and who maintained those lights and operated those lights. And then tried to educate folks on what they could do, which is often fairly easy in other words it might just be there are some lights that are on pivots that instead of having it shine up into the sky or laterally, just point it on to the ground where we need it for safety and security.

MS. HAAS: And Hawaii is the main island for the shearwater, right?

AGENT SWINDLE: For the Newell's shearwater about 90 percent of the world's population or a vast majority of the world's population is believe to be on Hawaii. There's a few other islands in Hawaii that have the remainder of the population, but the entire world's population is right there in the main islands of Hawaii.

MS. HAAS: Tell us about their nest sights and the connection between the Shearwater, Tuna and Billfish.

AGENT SWINDLE: Their nest sites are up in the mountains and there's really two key species: the Newell Shearwater, which is threatened, and then the Hawaiian petrel, which is an endangered species. And the interesting thing about them compared to most of the other petrel and shearwaters that occur in Hawaii is that they nest inland, up in the mountains. Most of the rest are kind of coastal breeding.

Now why that's important is that if you imagine, historically these species were in the hundreds of thousands if not millions of birds. So if you kind of imagine this volcanic island with millions of birds nesting up in the mountains. They have a really important ecological function and that is that they are the only thing really that goes from the land out to the ocean, eat fish and squid and then comes back to land with that and then they make their deposits. In other words, they defecate and make guano and make those deposits on the land.

MS. HAAS: Soil enrichment.

AGENT SWINDLE: Exactly and soil building on these volcanic islands. And then like you said, there's also this very important relationship, another way that we benefit from these seabirds is that they have this synergistic relationship with large predatory fish like the tunas and swordfish, and dolphins and things like that. Those predatory fish hunt kind of like underwater wolf packs where they are looking for smaller fish and the manner in which they do that is that the smaller fish school up and they get into a ball – or a bait ball and then that ball gets driven to the surface.

Once that happens, then they're trapped, then the tuna and the dolphins and the billfish can all feed from below, but what also happens is –

MS. HAAS: From above –

AGENT SWINDLE: From above, Shearwaters in particular see that and then they congregate on the surface in a flock and then we – humans – see the flock of birds and we know that there's always going to be these fish that we like to eat. So we utilize that both from –

MS. HAAS: Fisherman's friend.

AGENT SWINDLE: Exactly. And there just wasn't enough corrective action being taken. So we then, looked to enforce the law both the Migratory Bird Treaty Act and the Endangered Species Act.

Both of the entities that we were working with the power company and the County of Hawaii who operates a lot of facilities that have light, both of them

chose to enter into plea agreements where they admitted their guilt in killing some of these birds in violation of Federal Law.

But we structured those plea agreements cooperatively with them to do some good things. In addition to pleading guilty and paying a fine, we wanted them to do restitution and we wanted that restitution – and rather than the money be kind of leaving Hawaii in fines, we wanted it to stay right there and do conservation projects that would help these birds.

And then of course, we also wanted corrective action, so they were under probation and there were terms of probation for this corrective action to take places, such as shielding lights at stadiums and sports facilities. And then every streetlight on the island of Hawaii has been shielded that is publicly operated streetlight.

One of the other terms of the plea agreement with the county, was that all county employees needed to be trained about the cultural and ecological significance of these birds and what the threats are and how to correct those threats and then also what to do when you find one on the ground. And if they encounter a Shearwater on the ground, they know how to pick it up and take it to the nearest fire station where they will find at that fire station, what kind of looks like an apartment building mailbox. It's a box with a bunch of little compartment and you can open a door and slide in your live bird that you've found. And then someone will come along within a few hours – trained personnel will come along and they will open the door and take out the bird. Assess it for its condition and if it needs to be rehabilitated than, they rehabilitate it. If it's ready for release, then they'll band it and release it.

MS. HAAS: I understand that you and the prosecuting attorneys recently were given an award by [Department of] Justice—quite an honor.

AGENT SWINDLE: Yea, it really was an honor and I think that it's just an acknowledgement that issues like this really are important. We as citizens have rights that we always love to exercise, but often we just forget about some of the responsibilities that go along with those rights.

MS. HAAS: Congratulations to you and thank you so much! This is Ann Haas for the U.S. Fish and Wildlife Service.