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United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



FEB 23 2011

Memorandum

To: Refuge Manager, Alaska Maritime National Wildlife Refuge

From: Regional Chief, National Wildlife Refuge System – Alaska

Subject: Rat Island Nontarget Mortality

The recent publication of the final report by The Ornithological Council (OC) entitled *The Rat Island Rat Eradication Project: A Critical Evaluation of Nonmarket Mortality* is an appropriate time to reflect on lessons learned from this unique collaboration between the U.S. Fish and Wildlife Service (Service), Island Conservation (IC) and The Nature Conservancy (TNC).

The OC report has some troubling findings as well as sound recommendations for future efforts. I think it is also important to put these findings in perspective; as the report says: “The success of the eradication effort and the likely conservation benefit of the rat eradication was *slightly marred* by the discovery in 2009 of approximately 422 bird carcasses on the island. (italics mine).

I won't repeat the technical findings of the OC's 85-page report which attributes the unexpected mortality of bald eagles and other birds to three major causes including: 1) Not following the original plan to apply no more bait than necessary; 2) Not anticipating an increased number of bald eagles on Rat Island in response to more abundant food source, i.e., dead rats and birds; and, 3) Failure to remove rat and gull carcasses and unconsumed bait to reduce the opportunity for secondary poisoning.

The OC report does a thorough job of identifying technical and communication weaknesses in project planning and execution. The report makes clear that while the pesticide label is confusing, the application rate and timing were inappropriate and contrary to the label requirements. The report also identifies breakdowns in communication and a failure to follow written plans during implementation.

While the OC report identifies the extent and duration of baiting as the proximate cause of nontarget mortality, the OC report also identifies contributing factors that must be addressed before future eradication efforts can be contemplated. For example, prescient written warnings by the Service's Regional Contaminants Specialist of the need to remove carcasses were not adequately considered during discussions of mitigation measures. The omission of these comments may have resulted from the Refuge delegating much of the authorship of the EA to its partners and failing to retain sufficient editorial control.



Likewise, anecdotal information suggests an emphasis on maintaining the partnership may have resulted in important decisions being resolved by consensus among the partners, a questionable process for addressing issues with potentially lethal consequences to Federal trust resources.

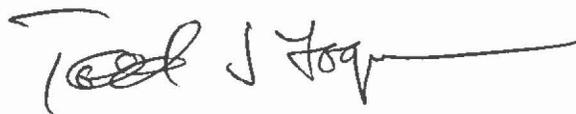
Of course, technical deficiencies identified in the OC report should be corrected before subsequent eradication projects are considered by the Service, not only in Alaska but nationwide. Equally important as correcting technical deficiencies must be the recognition that the Service's legal responsibility for trust resources cannot be delegated to entities with whom the Service enters into a temporary partnership.

The agreement between the Service, IC and TNC was an innovative public-private partnership that required technical expertise and fundraising capabilities without which the Service could not have undertaken a project of this complexity. The Rat Island planning effort delegated many decisions to the discretion of the three partners for which consensus was a legitimate means of decision. However, the trust responsibility for managing wildlife within a national wildlife refuge is an inherently governmental function of the Service under Federal law that cannot be delegated or compromised.

An important lesson to be learned from the Rat Island collaboration between the Service, IC and TNC is that complete parity in such a partnership is illusory. While each partner's role reflected their strengths and capabilities, the Federal trust responsibilities of the Service for America's wildlife cannot be shared or delegated. As a result, future collaborations must acknowledge from the beginning that the Service remains first among equals in any partnership. The agency alone has legal responsibility and authority to make decisions on behalf of wildlife in its trust.

I know that our next rat eradication island restoration effort is some years off and yet to be defined. Nonetheless, please ensure that this memo becomes part of your administrative file to be referenced when future rat eradication planning begins in earnest. Consider the guidance in this memo, as well as recommendations #3 and #4 from the OC report, to be directives to be followed in all future rat eradication efforts. Failure to do so could be considered willful neglect of duty and subject the employees involved to disciplinary action. Should nontarget mortality occur from such neglect, or violations of state or federal law occur, individuals involved could be subject to criminal and/or civil prosecution.

Only through partnerships could we have restored Rat Island once again to its historical rat-free condition. Let's all celebrate the overall success of this effort, but also absolutely ensure that the lessons learned from this project do not go unheeded.



cc: Regional Director Geoffrey L. Haskett
Refuge Supervisor Mike Boylan
Special Agent in Charge Stan Pruszenski