

USFWS Mismanagement Issues at Midway Island
Submitted by
International Midway Memorial Foundation
(IMMF)
June 30, 2021

Executive Summary

This document contains numerous and concerning examples of mismanagement as well as possible fraud, and abuse by the US Fish and Wildlife Service (USFWS) at Midway Atoll. We have addressed the following and have attempted to include links and documentation where possible. The information has been collected over the past 10 plus years.

- **Misuse of Grant Funds:** received grants for specific Midway projects; projects were not completed
- **Illegal use of Congressional Earmarked Funds:** funds reallocated to other refuges without congressional approval
- **Congressional Hearings:** 2005/2015 to determine if the Midway Atoll National Wildlife Refuge is being properly managed. USFWS is given a failing grade
- **GAO Audit and Report Failures:** recommended that Midway have a complete budget audit by OMB (Office and Management and Budget) to clarify and identify inaccuracies
- **Feasibility Studies for Visitor Program:** results of study confirm a visitor program is feasible at Midway
- **Historic Preservation Agreement Failures:** demolition projects continue at Midway, historic preservation still ignored
- **Lack of IMMF and Historic Preservation Consultations to Include Neglect Issues-** intentional neglect and subsequent demolition of important historical structures. Lack of required consultation with third parties such as IMMF. Longstanding disregard for the Battle of Midway National Memorial and historical preservation in favor of wildlife matters
- **USFWS Abuse of Equipment, Lack of Maintenance, Intentional Concealment of Incidents-** as well as the lack of knowledge, have cost the taxpayer millions of dollars wasted
- **Deception and Cover-up of Events-** Internal Affairs for USFWS put together a privacy statement to avoid leaks of events that would put the agency in a bad light
- **Wildlife Volunteers and Covid-19 Issues-** Midway residents have stated that wildlife volunteers are not being quarantined during Covid-19
- **FOIA Inquiries Go Unanswered-** *The United States Fish and Wildlife Service (FWS) Headquarters FOIA Office received your request dated July 5, 2017. We have forwarded your request to our Region 1 Office for processing. You will receive a formal acknowledgement shortly.* Never received an answer
- **Dishonoring of Veterans by the USFWS-** With a legal mandate for Midway to be open for public visitation and the USFWS denying access to the memorial, we find this objectionable and disrespectful
- **Illegal Practices at Henderson Field-** Neglect of aircraft deeming an emergency.
- **Abuse of Closed Protected Beaches Using Heavy Track Vehicles-** Were the needed permits to use this type of vehicle that destroyed birds and their nesting area?
- **Seawall and Environmental Assessment and Coral Transplant Monitoring Agreement-** The USFWS is not hiring an expert seawall contractor but is planning on using Chugach, which is the TOC (task order construction) on Midway. All relocated coral has died.
- **Introduction of Plants Without Proper Permits-** Biological Integrity ignored
- **Inequality in Treatment of Contactor vs. USFWS Employees-** mishandling of Federal Mail
- **USFWS Quotes, Lack of Integrity, Irresponsibility, Honesty-** Kevin Forester Comments

Introduction

The information in this document was gathered over several years from FOIA, on-island residents (POC's) and public documents.

In 1996, Midway Phoenix Corp. (MPC) operated an affordable visitor program at Midway in a Cooperative Agreement with the USFWS. MPC's visitor program was limited to 100 visitors per week. The MPC example proved that Midway could be self-sustaining, while often earning a profit. That visitor program ended in 2002 when MPC made an exit from the island due to disagreements with the USFWS. MPC had invested approximately \$20 million dollars to prepare the island for visitors.

The USFWS has stated, multiple times to media sources, that they would replace MPC with an alternate Cooperator. Now, 19 years later, the USFWS still has not appointed an alternate Private Sector Cooperator. The USFWS claims that they cannot host visitors due to a lack of funds; MPC's example has demonstrated this is not the case. With a Cooperator the government's burden of operating the island would be reduced by millions of dollars while preserving Midway's rich history and once again hosting visitors.

Since MPC departed from the island the USFWS has since been in complete control of maintaining Midway's buildings and infrastructure. During this time USFWS has directed millions upon millions of dollars toward demolishing buildings, reducing the island's infrastructure and entirely ignoring historical preservation. Some of those dollars ought to have been spent to maintain and preserve Midway's rich military history. USFWS has a policy of restricting its residents from sharing photos on social media, e.g., demolition of buildings, and current neglect. This policy demonstrates how USFWS is able to keep all actions hidden from the public to do as they please.

Since 2005, there have been two Congressional Oversight Hearings regarding the USFWS performance on Midway, one GAO Audit and two Visitor Feasibility Studies. All Feasible Studies, whether done by USFWS or the International Midway Memorial Foundation (IMMF), have concluded that a visitor program is possible, reasonable, and sustainable. The USFWS has managed to ignore all recommendations and has not yet been held accountable for their actions, or lack of.

The USFWS has failed with their agreement to find an alternate cooperator to manage maintenance of the island, to preserve the island's rich history, and is not offering a Visitor Program. Instead, the USFWS has continued to demolish key structures that once supported 100 visitors per week, thus continually diminishing the possibility of a visitor program. The goal of the USFWS is to turn Midway into a USFWS Base Camp, thus leaving only the bare minimum of facilities for humans aka USFWS employees.

Midway has been called The Door to the Papahānaumokuākea Monument. The USFWS has closed that door to all visitors as well as to any Historical Preservation. Bird counting volunteers are in demand, yet all historical volunteers are turned away. In our estimation and opinion and from what we have observed in the law, the USFWS does not have this right and are neglecting the responsibility of historic preservation. They may have the control but they do not have the right to neglect responsibility.

Hopefully this document will start to bring to light the misuse, abuse and fraud of the USFWS for the purpose of, not only further investigation, but for that of accountability, restitution and restoration of Midway Island. No government agency has the right to abuse and neglect such treasured history, and deny people from returning to their place of birth or from experiencing such a unique treasure of the United States.

Misuse of Grant Money

- USFWS has received grants for specific Midway projects, yet the projects were never completed. Instead the funds were directed towards their efforts on wildlife projects and buildings they ‘use,’ regardless of historic significance.
- **Save America’s Treasures Grant Maintenance Failure** 2000-2001 – USFWS received a Save America’s Treasures grant for \$308,681 from the National Park Service. The grant provides funds for termite prevention of the officers’ housing, Officer-in-Charge house, theater, and several shop buildings; re-roofing of a cable station building (property number 643; mess hall); and restoration of an ARMCO hut.
Example - The Midway Station Theater roof was not repaired, and historic murals were removed from the theater.
Link to Supporting Document - <https://www.gao.gov/assets/680/677621.pdf>
Link to Theater Photos - <http://www.midway-island.com/wp-content/uploads/Theater7.jpg>
Link to Historic Theater Murals - <http://www.midway-island.com/wp-content/uploads/Murals-1.jpg>
- **Designating the Midway Atoll National Wildlife Refuge as the Battle of Midway National Memorial per Secretarial Order 3217 National Memorial Failure** “NO MONUMENT HAS BEEN SO POORLY CARED FOR” - September 13, 2000 – In response to a mandate in the fiscal year 2000 Appropriations Act, the Secretary of the Interior signs Secretarial Order 3217 designating Midway Atoll National Wildlife Refuge as the Battle of Midway National Memorial “so that the heroic courage and sacrifice of those who fought against overwhelming odds to win an incredible victory will never be forgotten.” Lands and waters of Midway were designated as a Battle of Midway National Memorial.
Example -The Battle of Midway National Memorial is the only National Memorial that is closed to the public, with no plan to reopen.
Link to Secretarial Order 3217 - <https://www.oig.dot.gov/sites/default/files/midway-Final.pdf>
Link to Midway Stewardship - <http://www.midway-island.com/bird-photos/before-and-after/>
- **Battle of Midway for the American Battlefield Grant Development of Rehabilitating Seaplane Hanger Failure** 2009 – FWS’s Cultural Resources team travels to Midway with the National Oceanic and Atmospheric Administration to record the terrestrial elements associated with the Battle of Midway for the American Battlefield Grant. Consultation is completed for the cable station and a Memorandum of Agreement is signed with stipulations that mitigate for the loss of three buildings. Engineering and historic preservation firms assess the condition of the seaplane hangar and present the results in two different studies. They begin the process of developing appropriate plans and costs for rehabilitating the seaplane hangar.
Example – The seaplane hangar is being used but receives no maintenance. There is now talk about it being demolished in the future
- **Midway Atoll NWR: Historic Preservation Fact Sheet Preservation Plan-2010 (HPP-2010) “Succinct” Approach to Historical Sites Failure-**
Date: January 17, 2012 -
Midway Atoll NWR: Historic Preservation Fact Sheet
Preserving Midway’s 63 heritage resources is a fundamental element of USFWS management of the atoll. These unique historic properties are in need of rehabilitation, stabilization, mothballing, or minimal maintenance in order for them to fulfill the USFWS mission and to meet the requirements of the NHPA, the MMP, the SCP, and the VSP goals. The Historic Preservation Plan-2010 (HPP-2010) offers a succinct approach for matching the operational needs of the refuge with the other partners and plans that overlay Midway. HPP-2010 presents the recommended treatments, prioritized historic resource value, physical condition, and ability to meet a need or goal.

Example - FWS has not demonstrated a ‘succinct approach’ towards historical preservation in rehabilitation, stabilization, mothballing, or doing maintenance in order for them to fulfill the USFWS mission and to meet the requirements of the NHPA, the MMP, the SCP, and the VSP goals.

Link for Historic Preservation Plan 2010 (HPP-2010)

https://www.fws.gov/uploadedFiles/Region_1/NWRS/Zone_1/Midway_Atoll/Documents/Midway%20Atoll%20HPP%202010.pdf

Illegal Use of Congressional Earmarked Funds

See Budget Below –

In 2012 Midway’s budget was cut by \$1,500,000 to cover the Pacific Region’s shortfall in management capabilities. This was done to avoid the closing of any Pacific Region refuges. The cut was only intended to cover the 2012 shortfall. The \$1,500,000 was Congressionally Earmarked for Midway and was never congressionally approved for reallocation, nor were the funds ever returned to Midway’s budget. Instead the funds were used for mismanaged Stations, pet projects for upper management, and to hire more employees for other islands. Midway lost 21 permanent Chugach BOS employees and the Task Order side was reduced to, as needed. This was also the year that a visitor program was abandoned.

Was there Congressional approval?

Who authorized the reallocation of the \$1.5 mil?

Why was it not returned to Midway’s budget in 2013 for its intended purpose?

Why does USFWS continue to skim funds off of Midway’s budget?

Why are Midway’s funds being used to cover regional mistakes of mismanagement of budgets?

Congressional Hearings

- **May 26, 2005 – the Subcommittee on Fisheries and Oceans, House Committee on Natural Resources held a congressional oversight hearing entitled “Public Access Within The National Wildlife Refuge System”.** Witnesses included the IMMF founder, Dr. Jim D’Angelo, who requested that the committee consider designating an agency other than USFWS to manage Midway, since the visitor program was closed under the management of USFWS with no plan to reopen.
Link to 2005 Hearing - <https://www.govinfo.gov/content/pkg/CHRG-109hrg21449/html/CHRG-109hrg21449.htm>
- **November 20, 2014 – Congressional oversight hearing,** held in Washington *“To determine if the Midway Atoll National Wildlife Refuge is being properly managed.”*
- **Closing comments, from Congressman Fleming, then-Chairman of the subcommittee:** *“The FWS has a failing grade for achieving public visitation to Midway and for allowing Midway’s historic structures to deteriorate. It was a mistake to make Midway Islands a wildlife refuge.”* He went on to say that the USFWS has no interest, expertise or desire in the National Memorial. The Hearing led to a GAO Audit of the USFWS at Midway.
Link to 2014 Oversight Hearing - <https://www.midway-island.com/hearing-2014/>
Link to Oversight Hearing and The History of Midway - <https://vimeo.com/226100438>
Link to Video of Oversight Hearing Closing Remarks – <https://vimeo.com/224137496>

GAO Audit and Report Failures

- **GAO Audit** - Several days prior to the scheduled arrival of GAO Inspectors, island contractors witnessed USFWS staff members shredding numerous documents. The USFWS confronted the contractors and requested they leave the building and further stated they should NOT mention anything about the document shredding.

Excerpts from 2016 GAO Report –

“To describe funding, we reviewed budget data for Midway over the last 7 years, for fiscal years 2009 through 2015. FWS officials told us that because of the agencies document retention policy it does not have pre- 2009 data. We assessed the reliability of these data and found them to be of undetermined reliability for purposes of our report. For example, we reviewed the annual external audit report of the Department of the Interior’s financial database for fiscal year 2015, which covers FWS data; this report noted that internal control deficiencies related to financial reporting resulted in a lack of assurance that the department’s financial data were correct. As a result, we relied on information from interviews with agency budget officials to generally describe funding.”

“FWS has demolished seven historic properties and completed another undertaking with adverse effects on historic properties that was not contemplated by the agreement without directly notifying parties who had previously expressed interest in historic preservation issues on Midway (hereafter referred to as key parties) and seeking their comments and input, and, in some cases, without providing public notification or opportunity for the public to express its views on resolving the adverse effects. In addition, FWS did not conduct consultations before approving three of the four undertakings even though, according to Advisory Council on Historic Preservation officials, the intent of consultation is to inform agency decision making.”

We also ask, how long is the USFWS required to retain financial records?

Link to 2016 GAO Report – <https://www.gao.gov/products/GAO-16-382>

Link to 2016 GAO Photos - <http://www.midway-island.com/documentation/gao-report/>

*****Several years ago, it was recommended that Midway have a complete budget audit by OMB (Office and Management and Budget). This would clarify and clearly identify the mistakes made. It is imperative an outside entity do a full audit.**

Feasibility Studies for Visitor Program
--

- **Feasibility Study - December 9, 2003 – prepared by IMMF** and presented to then-Assistant Secretary of Interior, Judge Craig Manson, who eventually rejected the recommendation. This feasibility study was prepared at no cost to the government. The purpose of the study was to determine if an affordable visitor program was financially feasible at Midway. The results of that study confirmed that a visitor program is definitely feasible at Midway.

Link to 2003 Feasibility Study - <http://www.midway-island.com/feasibility-study-2003/>

- **Feasibility Study - April 12, 2005 Prepared by Pandion Systems, Inc.**

Two years later, USFWS spent \$30,000 for another feasibility study, to determine if a visitor program is feasible at Midway. The study again provided proof and offered examples of how a visitor program would work via an alternate cooperative agreement with the private sector. USFWS again ignored the recommendations of the report and did not advertise for a Cooperator to operate visitor program at Midway.

Link to 2005 Feasibility Study-

<https://nmspapahanaumokuakea.blob.core.windows.net/papahanaumokuakeaproduct/media/archive/management/pdf/s/mrktfeas2005.pdf>

- **Midway Island is intended to be ‘The Door’ to the Papahānaumokuākea Marine National Monument**

The Papahānaumokuākea Marine National Monument is 582,578 square miles in size, larger than any other land or ocean conservation area on earth. It is larger than all of American’s National Parks combined and larger than the total

land area of the entire State of Alaska. This entire area is off-limits to visitors, with the exception of Midway. By design, Midway was intended to be 'The Door to the Monument.' There is a legal mandate for the 'Door' to remain open for public visitation. But the 'Door' remains closed with no plan to reopen.

Example - USFWS has not advertised for an alternate cooperator and the island remains closed to the public, stating lack of funding. During the past 18 years, USFWS has demolished buildings and infrastructure that would support a self-sustaining Visitor Program. Additional demolition continues today.

There has been no reduction in staff, in fact staffing has increased. In 2016, Midway supported a Refuge Manager, a Wildlife Refuge Spec, on loan from Tern Island, and a Term Bio-Tech. In 2019, the Midway staff increased adding 5 new Thai Nationals, 6 reoccurring Volunteers, 3 recurring KUPU Interns, a Deputy, 2 Biologist, and was approved to hire a maintenance person.

Link to FWS Statement About a Visitor Program - https://www.papahānaumokuākea.gov/access/public_access.html

Link to Papahānaumokuākea Marine National Monument Map - <https://www.midway-island.com/monument-map/>

Link to FWS Media Quotes - <https://www.midway-island.com/news-2/media-quotes/>

Historic Preservation Agreement Failures and Mismanagement

- **USFWS, the Navy, and the Advisory Council on Historic Preservation enter into a Programmatic Agreement.**
February 5, 1996 – USFWS, the Navy, and the Advisory Council on Historic Preservation enter into a programmatic agreement, as authorized by the regulations implementing section 106 of the National Historic Preservation Act, regarding historic preservation issues on Midway. The agreement addresses the transfer of historic properties identified on Midway in 1996 and how USFWS was to handle the properties.
Example - Demolition projects continue at Midway and historic preservation is continually being ignored.
Link to Programmatic Agreement - <https://www.FWS.gov/policy/library/1999/99fr38466.html>
Link to Demolition Projects - <https://www.midway-island.com/demolition/>
Link to Midway Stewardship - <https://www.midway-island.com/bird-photos/before-and-after/>
- **Transferring jurisdiction of Midway Island from the Department of Defense to the Department of the Interior**
Executive Order 13022 - October 31, 1996 – President Clinton signs Executive Order 13022 transferring jurisdiction of Midway Island from the Department of Defense to the Department of the Interior. USFWS manages Midway Island National Wildlife Refuge to maintain and restore its natural biological diversity, provide conservation and management of the wildlife and habitats within refuge boundaries, provide opportunities for scientific research and environmental education, maintain the Island's historical significance, and provide compatible wildlife-oriented activities to the visiting public.
Example - The Midway airport and harbor remain closed, except for declared emergencies. Midway's historic preservation is not being managed. USFWS continues to demolish Midway buildings and infrastructure.
Link to Executive Order 13022 - <https://www.presidency.ucsb.edu/documents/executive-order-13022-administration-the-midway-islands>
Link to Demolition Projects - <https://www.midway-island.com/demolition/>
Link to Midway Stewardship - <https://www.midway-island.com/bird-photos/before-and-after/>
- **Midway Atoll National Wildlife Refuge Historical Preservation Plan Failure- July 16, 1999** – USFWS has issued the Midway Atoll National Wildlife Refuge Historic Preservation Plan as part of its responsibilities for the long-term management of historic properties on Midway Atoll. This plan defines a program to integrate historic preservation planning with the wildlife conservation mission of the Service.
Example - FW continues to demolish historic properties.

Link to Midway Atoll Conceptual Plan -

https://www.fws.gov/uploadedFiles/Region_1/NWRS/Zone_1/Midway_Atoll/Documents/Volume%20IV%20of%20Plan.pdf

- **Historic Preservation Possible in the Past Effective Preservation -**

Example - 1998 and 1999 – FWS and the Oceanic Society sponsored the first two Elderhostel historic preservation projects. Working under the supervision of a Historic Preservation Specialist, volunteers clean and preserve the 3-inch anti-aircraft gun on Eastern Island, clean and stabilize Battery C, and remove paint from the 5-inch guns in the memorial park. USFWS funds roof and do soffit repairs on eight officers' quarters and the Officer-in-Charge house. USFWS receives a National Park Service grant for \$6,000 to develop a plan for restoring the Armco huts, power plant, and cable station. USFWS and the Oceanic Society sponsored three Elderhostel historic preservation projects. Work includes restoring the theater windows and completing a condition assessment, cleaning and stabilizing Battery A, preserving the 5-inch guns, completing a condition assessment of the cable station, inventorying changes to the buildings, drafting new architectural floor plans, and organizing a library of historic resources.

- **Demolition by Neglect**

Example – To start a building/structure is removed from a maintenance program. With years of no maintenance the building/structure is declared unsafe or an environmental hazard, and demolished.

On 2/12/2003, Refuge Manager Rob Shallenberger was quoted as saying, *"There is very little "natural" about the islands. In the absence of aggressive management to control invasive vegetation, the value of the islands as habitat for wildlife or people would deteriorate rapidly. The same applies to the maintenance of buildings and other facilities."*

- **USFWS Policy Encourages Demolition; Funds Spent on Other Refuges**

Example - This FWS region spends an enormous amount of money on Midway demolishing structures, this allows for funds to be freed up for other work. As an example, if \$200K is spent on a demolition project or if they freed up x amount of acreage of land, USFWS then receives funds from the government that goes back to the USFWS. When this takes place the money is often spent on other refuges in the region and not on Midway projects. Often, the money spent to demolish a structure could have been spent to save the same structure.

- **Historic Cable House Complex – Demolished October 2013**

Example - Four of five historic Cable Station buildings were demolished in October of 2013 by direction of the USFWS. GAO Report – June 2, 2016 – stated: *"Cable Houses – Eligible for inclusion in the National Register of Historic Places. The Commercial Pacific Cable Company built the mess hall in 1903 for the employees who operated the relay stations for the first trans-Pacific telegraph line. It is eligible for inclusion in the National Register of Historic Places. U.S. Fish and Wildlife Service officials said that the building is not in use and cannot be restored."*

- **Per the 2016 GAO Report-**

"FWS has demolished seven historic properties and completed another undertaking with adverse effects on historic properties that was not contemplated by the agreement without directly notifying parties who had previously expressed interest in historic preservation issues on Midway (hereafter referred to as key parties) and seeking their comments and input, and, in some cases, without providing public notification or opportunity for the public to express its views on resolving the adverse effects. In addition, FWS did not conduct consultations before approving three of the four undertakings even though, according to Advisory Council on Historic Preservation officials, the intent of consultation is to inform agency decision making."

Link to Demolition of Cable Station Buildings -

<https://www.midway-island.com/demolition/cable-station-demolition/>

Link to Full GAO Report - <https://www.govinfo.gov/content/pkg/CHRG-113hhrg91523/html/CHRG-113hhrg91523.htm>

Link to Midway Stewardship – <https://www.midway-island.com/bird-photos/before-and-after/>

- **Fuel Farm Demolition-**

At the 2014 congressional oversight hearing Chairman Fleming requested that FWS pause 10 years before demolition of the Midway Fuel Farm.

Example - The FWS did not “pause for 10 years”; instead, FWS kept with their schedule and demolished the Fuel Farm in September of 2015. The Fuel Farm was key to an affordable visitor program.

Link to Fuel Farm Demolition - <https://www.midway-island.com/fuel-farm-demolition/>

Link to Chairman Fleming video, requesting a 10-year pause before demolition - <https://vimeo.com/224003256>

Example - Additional Structures Currently Scheduled for Demolition

The Harbor Fishing Office Building

The Main NAF Hangar

BOQ-B Barracks

BEQ-C

BEQ-D

The Main Galley

The Transmitter Building

Lack of IMMF and Historic Preservation Consultations to Include Neglect Issues

- **Example** - January 7, 2002 – The fiscal year 2000 Appropriations Act *requires the Secretary of the Interior to consult on a regular basis with organizations with an interest in Midway, including the International Midway Memorial Foundation on the management of the national memorial.* The Secretary of the Interior establishes the Battle of Midway National Memorial Advisory Committee to develop a strategy for a public dedication of the memorial, identify and plan for appropriate exhibits to commemorate this important event, and offer recommendations on improving visitor services. *“The Committee will be comprised of representatives from the Fish and Wildlife Service, National Park Service, Naval Historical Center, International Midway Memorial Foundation, Inc., Midway-Phoenix Corporation, Sixth Defense Battalion, the National Wildlife Refuge Association, Friends of Midway Atoll National Wildlife Refuge, National Trust for Historic Preservation, and a member of the Battle of Midway veterans' community. These agencies, organizations, and the veteran have demonstrated an interest and expertise in commemorating and preserving historical features associated with the Battle of Midway and reflect a balanced, cross-sectional representation of public and private sector organizations.”*

The IMMF has been contacted only 5 or 6 times by the USFWS, 2 of those in recent weeks. The IMMF does not consider contact made as consultation. The conversations are of an informant nature as to what the USFWS is going to do or has already done.

- **IMMF Denied Access to Photo Document Midway Historic Preservation**

Example - On March 31, 2015, the IMMF was quoted \$13,222.00 for two people to travel to Midway to photo document historic preservation. The trip was approved, but later denied by the USFWS.

Link to Emails - https://www.midway-island.com/wp-content/uploads/Trip_Denial_FWS_Photo_Document.pdf

Link to Public Law 106-113 - <https://www.govinfo.gov/content/pkg/PLAW-106publ113/html/PLAW-106publ113.htm>

- **Installation of a new ABMC Memorial**
Example - Completed without consultation of the IMMF.
Link to letter from IMMF to FWS - <https://www.midway-island.com/immf-consult-letter/>
- **Veteran's Day 2016**
Example- November 11, 2016- USFWS did not fly the American flag from any location on the island. Bob Peyton was FWS Refuge Manager but was off island at the time. This was not the first time or the last.
- **75th Battle of Midway Ceremony**
June 5, 2017, a ceremony was held at multiple locations, including Midway Atoll. In 2017 the USFWS limited the number of visitors to the island to 25.
Example – IMMF was denied permission to land a chartered plane to transport additional veterans and visitors to the ceremony. IMMF landing requests were denied no matter how far up the chain we went within USFWS.
Link to FWS – Denied Landing of a one-day Chartered Aircraft Landing - https://www.midway-island.com/wp-content/uploads/Trip_Denial_FWS_Photo_Document.pdf
- **Historic WWII Revetments Modified**
Historic WWII Revetments from Eastern Island were disturbed and modified by USFWS.
Example - Guzzlers (4'x6') bathtub type structures were inserted into excavated holes dug into the revetments by USFWS staff. John Klavitter installed several of these during his tenure on Midway. In 2019, Kelly Goodale and Steve Barclay approved and installed several more. This was done after Louann Spalding Drew, Cultural Resource Specialist, told USFWS 'absolutely' do not disturb the Revetments.
- **Historic Preservation Volunteers trips are not offered by USFWS.** In the past 18 years USFWS has sponsored 20+ wildlife volunteers (for 6 months) per year. In addition, the USFWS hosts 20+ bird counters every December. Airfare, food and lodging expenses are all sponsored.
Example - USFWS does not sponsor historic preservation volunteers and quoted the IMMF \$13,222 for a 2-week stay on the island. Any attempts at offering trips for historic preservation volunteers via IMMF are refused.
A formal 6-month biological volunteer program started Nov 2015. Many volunteer bird counters have traveled to Midway over the last 20 years at no cost.
Costs-
Lodging 150/month
Meals \$15/day
Utilities \$40/month
PPE \$500/ individual
Management Capabilities \$50/month
Airfare from HNL to Midway \$3,600 / Round Trip
Note- As of 2019 -Many Volunteers are now taking 3 – 4 trips to Hawaii during their Tour of Duty Total / Year 1 Volunteer: \$16,555/year, which includes 2 round trips to Hawaii.

Example - USFWS directed Midway residents NOT to disclose information or take any photos or video of the Water Tower demolition. The water tower demolition was secretly recorded and can be viewed, via the link below. Many other smaller structures were demolished during this same time frame without consultation of IMMF, as required by Public Law 106-113. All new Midway employees are required to attend an orientation where they are warned against posting anything to social media that could cast a negative insight to USFWS activities on Midway.
Link to Water Tower Demolition - <https://www.midway-island.com/water-tower-demolition/>

Link directing employees not video or photograph demolition of Water Tower - https://www.midway-island.com/wp-content/uploads/Company_Memo.jpg

*** Yet, on March 31, 2015, the IMMF was quoted \$13,222.00 for two people to travel to Midway to photo document Historic Preservation – a short while later, the FWS denied access for the same two people to photo document Historic Preservation on the island.

USFWS Abuse of Equipment Lack of Maintenance Intentional Concealment of Incidents

- **Example - Equipment Abuse and Lack of Maintenance**, as well as the lack of knowledge has cost the taxpayer millions of wasted dollars. A wrecked fire truck could be considered destruction of government property. The demolition of the water tower eliminated the only gravity fed water system on the island causing FAA safety criteria to no longer be met. The inability to maintain the Fuel Farm was cause for the largest fuel spill in the Pacific Region. The USFWS is not equipped or trained to handle the island's infrastructure or preserve Midway's rich history.
- **Fuel Farm Disaster** - MPC employed 8 full-time employees to maintain the Fuel Farm. After MPC departed from the island the follow-on contractor employed 1 part-time employee to maintain the Fuel Farm.
Example - MPC employee's epoxy coated the Fuel Tanks and installed a Cathodic Protection System. After MPC's departure, in 2002, the Cathodic Protection System was no longer maintained which caused accelerated deterioration of the pipelines, tanks and associated valves, causing the largest fuel spill in the Pacific Region.
- **Estimated 100,000 gallons of JP-5 jet fuel was spilled** in February of 2003 from a pipeline at the Midway fuel farm. The U.S. Environmental Protection Agency, the National Response Team, the U.S. Coast Guard and Geo Engineers responded. The Service received \$4.5 million in emergency supplemental funds for the fuel spill cleanup effort.
Example - A former MPC Fuel Farm Manager stated 5 valves would have had to been left turned on (pressurized). The valves are to be off when not in use.
Link to Fuel Farm Spill - <https://the.honoluluadvertiser.com/article/2003/Feb/12/ln/ln10a.html>
- **Inadequate Generator Replacements**
Example – The old generators were not maintained so new smaller generators were installed. Since the new generators are too small the power goes off-line without notice. Battery back-ups cannot be used at the airfield because of the generators sustain the electrical power needs. As a result, computers and electronic systems often fail. The FAA is spending a lot of money replacing parts because the generator issues are causing equipment failure. Air conditioners fail due to power sags/surges.
 - **Why didn't Dan Clark, Refuge Manager, use the \$400K allocated to fix Midway House use the funds to cover up his mistake with the electrical generators?**
- **Neglect of NAF Hanger and Lack of Maintenance**
Example - The NAF Hangar has not been maintained since 2002 and is not listed on any type of maintenance program. As with past USFWS demolition projects, this building was first removed from scheduled maintenance, then USFWS will wait until the Hangar becomes a safety or environmental hazard. The structure is then demolished with CERCLA (Superfund) money. The NAF Hangar is the largest structure on the island, yet there is no mention of it within the GAO Audit. The NAF Hangar is nearly identical to one at Barbers Point, Hawaii, which is still in use and maintained. The NAF Hangar at Midway has not been maintained for more than 19 years.

Example - In 2011 FWS facilities maintenance officials spent \$193,000 for estimates to repair the Seaplane Hangar, which included the costs to transport and house potential bidders on Midway as well as to transport and house three

to four staff members from the winning bidder to conduct work necessary for developing the estimate. Plans and costs to rehabilitate/repair the hangar are finalized and contract bids are reviewed. The project is halted because of the high cost. USFWS uses the historic Seaplane Hangar for storage, but does not maintain it.

Link to Photos of the Historic SAR Hangar - https://www.midway-island.com/wp-content/uploads/SAR_Hangar.jpg

Link Confirming Estimates for SAR Hangar - <https://www.gao.gov/products/GAO-16-382>

Deception and Cover-up of Events

- **FWS Internal Affairs Privacy Statement to Avoid Leaks**

Internal Affairs for USFWS put together a privacy statement to avoid leaks such as the seal attack hitting the news.

Example- Seal Attack

A USFWS staff member had closed off a beach due to the presence of a seal and her pup. Shortly afterward this same employee and one other USFWS employee went swimming at this same closed beach. A seal then attacked the USFWS female staff member. She was required to be medevac'd to Oahu. She received extensive facial and bodily damage, requiring plastic surgery. At the time of the attack the refuge manager was off island. Everyone was told to keep the attack quiet. The media got ahold of the story and contacted San Francisco USFWS headquarters. They knew nothing about the attack, nor had the refuge manager been notified. The USFWS presented the story very differently to the media than what had actually happened.

Midway internal affairs for the USFWS started putting together a privacy statement to avoid leaks from hitting the news. The beach was closed but the USFWS is now stating part of it was open where the employees had been, which was at the north beach in front of the Clipper House, but this had been changed to cover up the incident.

The employee, who posted closed beach with markers, regularly moved markers, or ignored them so she could go swimming. This employee knowingly and intentionally moved the markers to meet her personal needs. On the day she was attacked she visually noted the adult seal with her pup and went swimming anyway. Not only did she place herself in harm's way but also that of the other employee swimming with her.

Example - Seal Dies Due to Valium Overdose

The USFWS staff gave Valium to a seal - then dispensed a second dose which killed the seal.

From POC- *"I've witnessed this same behavior by FWS at Midway, many times. While living there, they overdosed a Hawaiian Monk Seal with Valium. Their goal was to first capture the seal with a net, then give it Valium to sedate the animal. They didn't think it was enough, so they gave it another dose. The additional Valium killed the seal. The FWS then included this event in their Midway weekly newsletter. I've attached a copy of their newsletter where they stated it died of a heart attack. The truth of this event was discovered when FWS brought a food order to our Galley – which was written on a piece of recycled paper. On the back of their food order was the real story of how the seal had died. Our Midway doctor was there and witnessed the entire event."*

Link to USFWS Flyer - https://www.midway-island.com/wp-content/uploads/Seal_Info.jpg

Example - Destruction of Airport Fire Truck

A USFWS employee took a government owned fire truck for a joy ride, after the consumption of alcohol. This person also invited other USFWS personnel to ride along. The USFWS employee lost control of the truck and ran it into a vertical supporting steel beam at the NAF Hangar. Destruction of government owned property could be considered a crime. This incident completely demolished the fire truck. A new replacement fire truck was purchased by the USFWS. This incident remains one of the most closely guarded USFWS secrets on Midway. The GAO Report found no documents relating to this incident.

Link to Photos of the Fire Truck Incident - <https://www.midway-island.com/fire-truck-wreck/>

Example - Fake Spreadsheets Created- Fake Spreadsheets were created for weed control to increased funding to FAA. KUPU abuse was used for personal use.

Dan Clark was the USFWS Refuge Manager during this time.

USFWS convinced the FAA to pay for a majority of the incoming biologist to help with the weed control at the airfield. USFWS personnel indicated USFWS sprayed weeds around the runway, thus creating fake spreadsheets. This convinced the FAA more money and personnel were needed. The money not disbursed was freed up so KUPU is paid to bring out friends and family as volunteers."

Example- We have learned of refuge managers, deputy refuge managers, USFWS volunteers and Chugach employees being removed from the island for several reasons. Our POCs have stated that the Midway House has been used as frat house type for parties; some island parties have escalated to allegations of sexual harassment, resulting with personnel being removed from the island. This has thus included the need for an investigator to be sent to the island. Refuge manager's husband smoking pot in the Midway House.

Example- USFWS is currently providing quarters to transients on detail for USFWS. These employees receive a per diem at \$125/night for lodging and \$65/day for meals. These rates are based on using Charlie Barracks as a hotel, not an entire house. In 2019, many of these transients, although residing in Midway House, did not pay for lodging. Chugach has these records on file. Additionally, these same (non-residents) individuals were charged residential meal rates at \$15/day but are reimbursed at the \$65/day. This appears to be fraud and abuse. Individuals include Kim Trust and Jared Underwood, both senior members of USFWS.

Example-One room has been permanently set-aside for Kelly Goodale, a biologist who was relocated to Oahu for various reasons. Kelly is not paying additional rent for these accommodations.

Wildlife Volunteers and Covid-19 Issues

Example - Midway residents have stated that wildlife volunteers are not being quarantined during Covid-19 upon arrival to the island. An interested party put in a request to become a USFWS wildlife volunteer at Midway and received a letter with the following quote: ***... "we can only accept volunteers currently living in Hawaii, or people who have been in Hawaii for at least 14 days. Volunteers chosen to come to Midway will then need to spend an additional 14 days in Quarantine on Midway before being allowed to interact with the rest of the island community."***

This statement is not true. Travelers from the Mainland with a connecting flight to Midway are NOT required to spend 2 weeks in Hawaii prior to their connecting flight. Four other wildlife volunteers (within this same group) flew to Midway from the Mainland, without spending 2-weeks in quarantine in Hawaii. Midway residents claim new wildlife volunteers arriving from the Mainland and Hawaii are also not being quarantined upon arrival to Midway. Deputy Regional Director Mary Abrams, on behalf of Robyn Thorson Regional Director, enforced, by memo: *"All new arrivals to Midway must be quarantined for 14 days." Those new passengers arriving on August 11, 2020, were observed to be having a party on the Cargo Pier on or about August 15. This included the Refuge Supervisor Rick Lopez, a senior level supervisor for the entire Pacific. Steve Barclay acting manager covered it up but was fully aware it happened. This action threatened the health and well being of all those who reside on Midway."*

Link to Letter from FWS Refuge Manager - <https://www.midway-island.com/volunteer-denied/>

FOIA Inquiries Go Unanswered

- **Questions go unanswered by USFWS via FOIA**

Example - No reply was ever received as indicated by USFWS letter. Questions posed:

What is the amount of money being spent by the EPA to NW demolition and environmental?

What is the breakdown of \$1.5 million to operate a 6-month visitor program?

How much money has been spent from CERCLA, "Super Fund", for demolition projects at Midway?

Non-Response from USFWS –

The United States Fish and Wildlife Service (FWS) Headquarters FOIA Office received your request dated July 5, 2017. We have forwarded your request to our Region 1 Office for processing. You will receive a formal acknowledgement shortly.

If you have any questions regarding your FOIA request; please contact John Declerck at john_declerck@FWS.gov or 503-231-2072."

Respectfully,

United States Fish and Wildlife Service

Headquarters Freedom of Information Act Office

Dishonoring of Veterans by the USFWS

- Battle of Midway Memorial is intended honor those who gave their lives for our freedom and to be a memorial to their personal sacrifice and that of their families. With a legal mandate for Midway to be open for public visitation and the FWS denying access to the memorial, we find this unacceptable and disrespectful. The USFWS hosts wildlife volunteers but will not host historic preservation volunteers whom would restore and preserve all that Midway represents. The USFWS denies access to the island for anything that is not in the interest of USFWS.

Illegal Practices at Henderson Field

- April 16, 2021, 2:43am- United Airlines flight 2781 flying from Guam to Los Angeles was experiencing smoke in the cockpit thus requiring an emergency landing at Henderson Field. The flight crew attempted to make contact for approximately 2 hours with Henderson Field personnel via 2 way radios, as well as satellite phone, while also sending an email to their primary points of contact. Receiving no response the crew attempted to activate the runway lights as well as the PAPI system, neither system responded. The aircraft was required to land using only exterior aircraft lighting. After a successful landing the crew, having to exit without a standard ladder, spent the next 2 hrs. 40mins walking around the island trying to find someone. Contact finally happened when a former Refuge manager who was on the Mainland received an email. The current Refuge Manager was contacted and questioned if they were aware that a large plane had landed at the airport hours ago. The Refuge Manager was completely unaware.
- A former Midway employee stated that the Light Control System was likely left in Standby Mode after scheduled preventive service was preformed. The former employee stated that this has happened several times in the past and was likely the cause for the light systems not performing properly.

- Henderson Field designation is a Public Airport and an Alternate Airport; it is used as an emergency diversion point for ETOPS (extended Range Twin Operations approval).
- Airport requirements for ETOPS https://www.law.cornell.edu/cfr/text/14/121.97#b_1_ii
- “...Therefore, it is important that any airport designated as an ETOPS alternate airport has the capabilities and facilities to safely support the airplane and its passengers and crewmember for the diversion.”
Link: https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_135-42.pdf
ETOPS means extended operation for an airport. (Aircraft and airlines receive ETOPS Certifications)
- From the Legal Information Institute: 14 CFR § 121.97 - Airports: Required data
Link- https://www.law.cornell.edu/cfr/text/14/121.97#b_1_ii
- “The regulation also makes provision for dispatching even if an otherwise adequate alternate airport lacks sufficient RFFS, provided that local firefighting assets — given 30 minutes notice while the diversion is in progress — can be available to bring the airfield's capability up to the required ICAO standard. There must be a commitment that this supplemental RFFS will be available at arrival and that it will remain at the scene for as long as needed by the diverting airplane.”
- “Training. Revised regulation 14 CFR 121.415 has been modified to require training for crew members and dispatchers for their specific roles and responsibilities in creating and implementing the operator's passenger recovery plans for the alternate airports upon which it relies for its extended operations.
Link- https://www.boeing.com/commercial/aeromagazine/articles/qtr_2_07/article_02_5.html

- **Our question: When was Henderson Fields last Safety Audit? This is different from FAA 24 month inspections**
What is required and how often?
Can copies be obtained?

Abuse of Closed Protected Beaches Using Heavy Track Vehicles

- Heavy, large track vehicles have been used on closed, protected beaches. These beaches are closed due to the protection of wildlife, including burrowing petrels. When anyone even walks across these fields of burrows the burrows collapse and the birds can become trapped and die, as well as those killed by the heavy tracks. The use of large track vehicles causes the greatest of damage. The endangered birds were not removed.

- **Our question: Who obtained the needed permits?**
Were birds removed and protected?

Seawall and Environmental Assessment and Coral Transplant Monitoring Agreement

- The seawall has yet to be completed. The USFWS is not hiring an expert seawall contractor but is planning on using Chugach, which is the TOC (task order construction) on Midway. A POC put it this way; this is like asking me to build a house.
- 3.4.1 Coral Translocation of the Seawall and Environment Assessment:

The Habitat Conservation Division of NOAA Fisheries recommended via letter on October 9, 2013, that the Service relocate coral and macro invertebrates that would be damaged by the project footprint prior to construction. The Service is developing a plan for coral translocation and monitoring.

- This agreement includes the relocation of corals. All of the coral the USFWS has relocated has died.
- ENVIRONMENTAL ASSESSMENT Seawall Long-Term Maintenance Project -
https://www.fws.gov/uploadedFiles/Region_1/NWRS/Zone_1/Midway_Atoll/Sections/What_We_Do/Resouce_Management/Midway_Seawall_EA_DEC202018.pdf
https://www.fws.gov/refuge/Midway_Atoll/Seawall_Draft_EA.html
<https://usfwspacific.tumblr.com/post/182485689150/the-us-fish-and-wildlife-service-has-finalized-a>

Introduction of vegetation Without Permits

- **Biological Integrity-** What permits was obtained by Joey Latsha Gamboa to be able to introduce plants to Midway? The USFWS boasted about the introduction of a plant that had been extinct on Midway for over 100 years. If Mr. Gamboa hadn't obtained permits, this would be in violation of the Biological Integrity Act, which is part of the Clean Water Act. We were not able to find any documentation regarding biological integrity or the requirements. But we do believe this would be a question for FOIA.

Inequality in Treatment of Contactor vs. USFWS Employees

- USFWS employees have been allowed to transport extra cargo such as transporting alcohol from Midway, foregoing individual weight limits. Chugach employees are not allowed any extra weight limits. Weight limits are spelled out in USFWS policies yet are not being applied to all USFWS employees. This denied the residents holiday gifts as well as perishable food items sent by family and friends. The duck food then sat in a garage for approximately 5 months before it was ever used.
 - **This is an abuse of power, our question is: can federal mail be handled in this manner and so irresponsibly?**

USFWS quotes From Kevin Forrester

- **2014 Hearing – Kevin Forester Comments Regional Chief of the National Wildlife Refuge System USFWS Pacific Region**
 -
 - In addition to its designation as a refuge and a memorial, it is also part of the Papahānaumokuākea Marine National Monument, which is a UNESCO World Heritage Site. It also serves as an emergency-landing site designated by the FAA for the nearly 35,000 jet aircraft transiting the Pacific Ocean each year.
 - The Service takes our role as trustee for this historic atoll seriously. We are committed to honoring America's veterans by commemorating their bravery and sacrifice by interpreting the history for the public."
 - "We are also dedicated to conserving America's wildlife heritage through stewardship of Midway's natural resources. We work to strive a balance to achieve the purposes for which the refuge and memorial were designated."
 - **Why are Historical Volunteers not included within their sponsored volunteer group?**

- “Midway's story is more than buildings. It is the courage and sacrifice of our veterans. We have worked with a variety of partners and stakeholders to safeguard the history of Midway Atoll, and now we are looking to the future.”
 - **Completely false. USFWS has not worked with any partners or stakeholders to safeguard Midway's history.**
- “We intend to open the island to visitors when capacity again becomes available. Until then, we are looking at partnerships and opportunities to bring the Battle of Midway and the story of Midway Atoll to many more Americans than would be able to visit the atoll even with the restored visitor services program.”
 - **Another broken promise**
- “We are committed to working with the IMMF and other partners like the Commission to honor the men and women who have served during the Battle of Midway and at Midway Atoll. We view our role as trustee as one of utmost importance. We will continue to work diligently to balance the natural resource stewardship needs of the refuge while honoring our responsibility as custodians of the Battle of Midway National Memorial.”
 - **Completely false – The USFWS has consulted with the IMMF only twice, long after this Hearing. In addition, the IMMF's suggestions were completely ignored and FWS continued with Demolition Plans.**
- “The National Wildlife Refuge System (Refuge System) is the world's premiere network of public lands devoted solely to the conservation of wildlife and habitat. The Refuge System encompasses over 150 million acres of land and water and preserves a diverse array of land, wetland, and ocean ecosystems. The Refuge System offers about 47 million visitors per year the opportunity to fish, hunt, observe and photograph wildlife, as well as learn about nature through environmental education and interpretation. These visitors make refuges an important economic driver for local communities, generating nearly \$2.4 billion each year. Investing in the Refuge System is a sound use of taxpayer dollars as each dollar appropriated for the Refuge System returns nearly \$5 in economic benefits. Refuges also provide local communities with other valuable ecosystem services, such as improved water quality, increased property values, and access to quality wildlife-dependent recreation.
In the Pacific Region, there are 67 national wildlife refuges and 5 national monuments located in Hawaii, Guam, American Samoa, the Northern Mariana Islands, Idaho, Oregon, and Washington.”
 - **BS – The Midway Refuge is closed to the public. The Midway Refuge permitted Chris Jordan to take photos and videos at Midway. The Midway Refuge charges \$5000.00 for a ‘Special Use Permit’ to take photos or videos. In addition, the IMMF was denied permission to make a trip to Midway to photo document the status of historic structures on the island.**
- “In the 2013 Banking on Nature Report, a report on the economic benefits of national wildlife refuge visitation to local communities, the Service estimates that nearly 8 million people visited refuges in the Pacific Region, generating over \$320 million for and supporting almost 5,000 jobs in local communities.”
 - **They sure didn't generate any money from Midway, as it has been totally closed to the public. And, if other refuges manage to profit from visitors, why is Midway closed to the public?**
- “Across the Refuge System in the Pacific Region, the Service is working to balance its mission, as directed by Congress, to protect America's natural resources, while also providing opportunities for public use, when compatible with the purpose for which the Refuge was established.”
 - **False – Why is Midway is excluded from this grand plan?**

- “The lands and waters of the Refuge were designated the Battle of Midway National Memorial on September 13, 2000--the first national memorial to be designated on a National Wildlife Refuge. The Service takes our role as trustee for this historic atoll seriously, honoring the sacrifice and courage of our veterans and conserving America's natural heritage.”
 - **False – The USFWS has been demolishing historical structures before and since this 2014 Hearing. In addition Veterans and the American Public are NOT allowed to visit Midway despite a legal mandate to host a visitor program.**
- “The Service works to balance stewardship of the natural resources of the Refuge, commemoration of the historic significance of the Memorial, and cooperative partnerships for the preservation of both to achieve the purposes for which the Refuge and Memorial were designated.”
 - **Completely False – The Service has been demolishing historic structures and doing it without following appropriate protocol.**
- “The budget reduction resulted in the loss of several Service positions, including the permanent Wildlife Biologist, Park Ranger, and Law Enforcement Officer. The loss of these positions has affected the Service's ability to provide the visitor services program at the Refuge and this program was temporarily suspended in November 2013.”
 - **The Visitor Services Program at the Refuge and this program were temporarily suspended in November 2013 and remains closed 8 years later. The Visitor Program has been mostly closed for the past 19 years since May 1 of 2002.**
- “In the 5 years prior to suspending the program, Midway Atoll National Wildlife Refuge welcomed on average, a little over 300 visitors annually.”
 - **This equates to 5 visitors per month. In addition, the FWS claim their Visitor Program was open for one year when, in fact, a cruise ship stopped at Midway and let visitors walk around for a few hours, before departing.**
- “The Service intends to restore the suspended visitor services program once funding allows the operation of a safe and sustainable program that is appropriate and compatible, pursuant to Service policy and the Refuge Improvement Act in accordance with the purposes for which the Refuge and Memorial were established.”
 - **The FWS does not need funding – it needs a self-sustaining Visitor Program, provided by the Private Sector. With all the buildings the USFWS has demolished it is not believable that there is any intent for a visitor program.**
- “Management is challenging on a Refuge where the scarce land is subject to wind, water, and changing sea levels. More than 1,000 miles from the nearest population center in the main Hawaiian Islands, operation of this remote Refuge requires overcoming unique challenges. For example, although the Service purchases local goods and services found in the main Hawaiian Islands, a good portion of food and project supplies inevitably must be transported from the continental United States to Hawaii and then to the Refuge. Due to the remoteness of the station, all items needed on the Refuge must be shipped long distance by air or by boat. The transportation cost is in addition to the cost of normal goods and projects, making them ultimately much more expensive than those on continental United States. Many projects, especially building restoration, require site visits by a potential vendor, engineering firm, or a contracting officer. A single barge transporting large quantities of materials or equipment to Midway Atoll can cost approximately \$760,000 per trip.
- Due to its remote location, the costly travel required to reach the Refuge, and the limited lodging facilities available, running a visitor services program is capacity intensive. Refuge and supporting staff stationed on the atoll are minimal for operations. To ensure the safety of visitors and a quality visitation experience, the Service would need to increase existing capacity. The Service intends to reopen visitor services at Midway Atoll when budgets allow for an increase in existing capacity.”

- **The previous Private Sector Cooperator (MPC) bought their own ship, stationed two aircraft on the island, built a new Hydroponic Facility and planted a huge garden – yet the FWS forced MPC off the island. The FWS stated they had a list of Cooperators as long as their arm, to take the place of MPC, but USFWS has not even offered a Request For Proposal (RFP) to any private sector company.**
- “Unfortunately, some of the buildings that the Service inherited have deteriorated, which can present hazards for both wildlife and people.”
 - **The USFWS has demolished many buildings. USFWS has stated, in writing, that they will only maintain buildings that they ‘use’, regardless of their historic status. Most buildings on Midway are NOT included within a maintenance schedule. Zero maintenance equates to fast deterioration. We call this ‘Demolition by Neglect’.**
- “Failing buildings and ingestion of the flaking lead paint from these buildings can harm wildlife and people.”
 - **If all buildings were maintained and kept painted there would be no flaking of paint to the ground. The USFWS simply fails to properly maintain all buildings.**
- “All the Cable Station work was done in compliance with the National Historic Preservation Act and in consultation with the Hawaii State Historic Preservation Division and the Historic Hawaii Foundation. Both the Hawaiian State Historic and Preservation Division and Historic Hawaiian Foundation have been consulted on the preservation of historic resources.”
 - **FALSE. In addition, the USFWS failed to consult with the IMMF, as required by Public Law 106-113.**
- “The Service will continue to work with the IMMF and other partners to honor the men and women who served during the Battle of Midway and at Midway Atoll. The Service looks forward to once again hosting the public on-site once the visitor services program can be restored.”
 - **FALSE – The Service has managed to keep the Visitor Program closed, with no plan to reopen.**
- “The Service takes our role as trustee for this historic atoll very seriously. We will continue to work diligently to balance the natural resource stewardship needs of the Refuge while honoring our responsibility as custodians of the Battle of Midway National Memorial.”
 - **FALSE – Midway remains closed to all visitors. With regard to stewardship, photos speak for themselves. I would invite anyone to view this link to Stewardship Photos taken by GAO Auditors in 2016. Click here to view photos → <https://www.midway-island.com/before-and-after/>**

Conclusion

- In conclusion, Congressman Fleming said it best when he stated, “The FWS has a failing grade for achieving public visitation to Midway, and for allowing Midway’s historic structures to deteriorate. It was a mistake to make Midway Islands a Wildlife Refuge.” He went on to say that USFWS has no interest, expertise or desire in the National Memorial. Despite the two congressional Hearings, GAO Audit, and two feasibility studies, including a 2008 Visitor Service Plan, nothing has changed. Midway is a National Wildlife Refuge AND a Battle of Midway National Memorial. It’s obvious that the USFWS is only focused on wildlife issues. Historic preservation is not a priority at Midway and if Congress does not intervene, all will be lost on Midway and the United States will lose a great treasure for future generations to enjoy and recognize Midway’s key roll in WWII.

Supporting Web Links

Documents - <https://www.midway-island.com/documentation/>
Stewardship - <https://www.midway-island.com/bird-photos/before-and-after/>
Demolition - <https://www.midway-island.com/demolition/>
Media Quotes - <https://www.midway-island.com/news-2/media-quotes/>
Midway News Articles - <https://www.midway-island.com/news-2/midway-news-articles/>
Chronology of Events - <https://www.midway-island.com/chronology-of-events/>
Preserving Midway Island's History - <https://vimeo.com/226100438>
ETOPS - https://www.law.cornell.edu/cfr/text/14/121.97#b_1_ii
Public Airport and Alternative Airport -
States Navigational Beacon - <https://skyvector.com/airport/MDY/Henderson-Field-Airport>
Extended Operations (ETOPS) and Operations in the North Polar Area -
https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_135-42.pdf
14 CFR § 121.624 - ETOPS Alternate Airports - <https://www.law.cornell.edu/cfr/text/14/121.624>
New FAA ETOPS Ruling including Alternate Airports -
https://www.boeing.com/commercial/aeromagazine/articles/qtr_2_07/article_02_5.html
Airport Certification Part 135 - https://www.faa.gov/airports/airport_safety/part139_cert/what-is-part-139/
Inspection of Henderson Field but no date -
https://www.faa.gov/news/conferences_events/pacific_aviation_2005/media/11%20Midway%20Airfield%20Status.pdf

➤ Side note:

Lisa spoke to Ronson Fox at Honolulu FAA office 808-312-6032 / email: ronson.fox@faa.gov
MDY is a public airport but is unique in that it is physically operated by the USFWS. It is mostly used for ETOPS, emergency landings and aircraft with issues. USFWS cannot deny a landing to any aircraft claiming any of the mentioned. MDY is Class 4 meaning; the FAA inspects it every 24 months. USFWS is to perform inspections more often. Will Brown is the inspector out of the Honolulu office and will be able to answer questions related to inspections, such as; how often is the USFWS required to perform self inspections? Are inspections for public knowledge and how can copies be obtained? Is a Navigational Beacon a requirement for MDY?
The United incident is still under investigation but some changes have already been put in place. The FAA is very concerned about what happened with the United Flight.