Kaua'i Seabird Habitat Conservation Program (KSHCP)

Participant Inclusion Plan (PIP)

# Name of Applicant/Participant NCL (Bahamas) Ltd.

# PART 1: Landowner & Property Information; Description of the Facilities; Avoidance & Minimization Measures; Monitoring of Take

Item 1. Provide the name of the landowner, business, agency, or institution and complete contact information. If the applicant/participant is different from the landowner, please attach power of attorney (or other documentation) allowing the party to act on the landowner's behalf.

Participant/Applicant Name: NCL (Bahamas) Ltd.

Physical Address/Location of Facility: NCL (Bahamas) Ltd.

7665 Corporate Center Drive

Miami, Florida 33126

Mailing Address: Same as above

Primary Contact: Ownership Name: Daniel S. Farkas, Executive Vice President

& Assistant General Counsel

Address: NCL (Bahamas) Ltd.

7665 Corporate Center Drive

Miami, Florida 33126

Email: dfarkas@ncl.com Telephone: (305) 436-4690

Item 2. Provide the legal description of the property at which the existing facilities and Covered Activities are located, including Tax Map Key (TMK) number. Provide a survey of the property and site plan drawings showing the locations of the Covered Activities (lights), property boundaries, buildings & structures, and site features. If properties containing the Covered Activities comprise separate parcels please include all Tax Map Key numbers and maps.

NCL (Bahamas) Ltd. ("NCL") is seeking coverage for operation of artificial lighting in connection with all activities associated with its cruise ship operations in Hawaii. Currently, NCL operates one vessel in Hawaiian waters, this vessel is named the "Pride of America." The vessel is legally identified as the NCL Pride of America. Its International Maritime Organization # is 9209221. In the future an additional vessel may be added to Hawaii operations.

Item 3. Describe the existing Covered Activities for which incidental take authorization is sought. Include list of buildings, type and description of lights present, purpose and location of lights and current seabird lighting accommodation in place (e.g. shielding, downward pointing, switched off during fledging season etc.). For "Types of lights" please use the following categories:

- Parking Lights
- Signage Illumination
- Wall-pack Building Lights
- Landscaping/Grounds/Accent/Bollards

- Indoor lights visible from outdoors
- Roof Floodlights
- Other Lights

Facility lighting plan may be submitted as lighting inventory. Photos may be attached. The suggested light table, and Green Sea Turtle assessment table below may each be modified as needed to provide the necessary information.

NCL is seeking coverage for all activities associated with operating its vessels, including but not limited to the Pride of America, in Hawaiian waters. These activities include, but are not limited to the following: general operation of the ship, port layovers, as well as all physical vessel maintenance activities. The Pride of America has a full complement of lights that one would expect on a cruise ship of this size, operating in US waters. Other vessels would have similar lighting.

The Pride of America is a U.S. flagged cruise vessel. The ship displaces approximately 81,000 tons, and is 920.6 feet long, 105.6 feet wide at the beam. The 15-deck, cruise vessel can carry 2,146 passengers and a crew of approximately 1,100. The vessel entered Hawaii service in July 2005. The vessel is home ported in Honolulu, and visits all of the main Hawaiian Islands on a weekly basis. Figure 1 illustrates a typical cruise track. Table 1 depicts a typical 2017-2018-cruise itinerary.

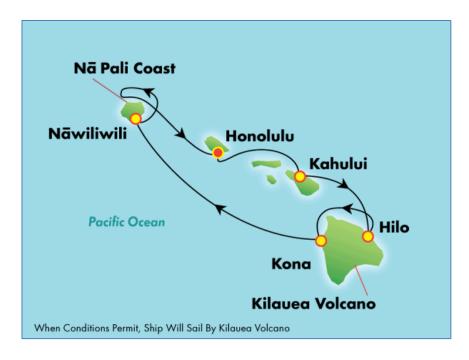


Figure 1- Typical weekly cruise track

DAY	PORT	ARRIVE	DEPART
Sat	Honolulu	-	7:00 PM
Sun	Maui (Kahului)	8:00 AM	Overnight
Mon		-	6:00 PM
Tue	Hilo	8:00 AM	6:00 PM
Wed	Kona	7:00 AM	5:30 PM
Thu	Kauai	10:00 AM	Overnight
Fri		1	2:00 PM
Sat	Honolulu	7:00 AM	

Figure 2 – Typical cruise schedule 2018

On board ship lighting that may potentially attract seabirds include lights that are on exterior locations on decks, as well as in-cabin lighting that may be visible when curtains are not closed. In the following table exterior lighting and any other lights that may pose a risk to seabirds are identified by deck and type (Table 1). Exterior globe lights and half-moon lights were changed to emit a low blue light. Seabird season lighting protocols that include the turning off and in some instances the dimming of certain lights avoid and minimize potential lighting impacts to the maximum extent currently practicable during the fledgling fallout season are discussed under Item 7.

Table 1. Exterior Ship Lighting Inventory

	Exterior Ship Lighting Inventory				
Location	Description	#	# Bulbs	Wattage	Part # or description
6	Mooring Deck - Fwd.	25	2	40	4009
6	Open Deck Promenade Evacuation	146	2	32	4043
	Deck				
7	Lifeboats Prep. Area PS + SB	52	2	32	4024
7	Crew Sun Deck	12	1	17	4020
6	Lifeboats Floodlight Overboard	15	1	500	4062
6	Lifeboats Floodlight Overboard	15	1	500	4062
11	Spotlight Showers	2	1	50	4272
12	Pool Aft Sun & Passenger Deck	85	1	13	4259
13	Ships Name	2	20	32	
13	Bar & Sports Area Deck Aft.	52	1	13	4259
		24	2	32	4043
		6	2	60	4267
13	Open & Viewing Deck Fwd.	54	1	13	4259
		14	1	50	4265
14	Open Deck Area Aft.	34	2	32	4043
		9	2	17	4044
		13	1	13	4259
14	Open Deck Area Fwd.	52	1	13	4259
15	Funnel Light NCLA Logo	2	20	32	
15	Helicopter Pick Up Area	8	1	500	4062
		26	1	13	4259
12-15+	Festival Light Aft. (String Lights)	1	67	25	60m. Length
15+	Festival Light Midship. (String	1	106	25	40.5m. Length
	Lights)				
12-15+	Festival Light Fwd. (String Lights)	1	44	25	31.5m. Length

#### Table 2: Green Sea Turtle Assessment for the Site & Facility

Please provide the information requested below to help determine if measures to avoid impacts to the Green Sea Turtle(s) from the effects of light attraction are required to be implemented at any of the facility(s), parcel(s), or site(s) included in this PIP. Please consult with staff from the DLNR and the USFWS to arrange a site visit, if needed, discuss measures to avoid impacts to the Green Sea Turtle, and provide further guidance.

Are any of the facilities located adjacent to a beach?	Yes / <u>NO</u>	If yes, provide length of beach frontage & brief description of facilities & lights adjacent to the beach
Are any of the Covered Activities (lights) visible from a beach?	Yes / NO	If yes, describe the specific lights (type, , height, purpose) & specific location; provide map & photos showing distance from beach
Have green sea turtles been known to nest on any beaches adjacent to the facilities?	Yes / <u>NO</u>	If yes, provide information about nesting occurrences, if known, including location and date and any other information

Item 4. If applicable, describe any lighting standards (e.g., foot candles/area) required for facility operations or other requirements that necessitate the use of lighting (e.g., required for security, safety, operations). Describe the relevant standard, or regulation, and the areas and Covered Activities at the site (e.g., type of lighting) to which it applies.

During the fledgling season NCL will avoid and minimize potential lighting related impacts to seabirds to the maximum extent practicable by implementing seabird friendly lighting protocols as allowed under the required industry and regulatory standards and protocols under which they operate a US flagged ship in U. S. waters.

Lighting standards and protocols for passenger vessels operating in U. S. waters fall under the jurisdiction of the United States Coast Guard, US Department of Homeland Security. Specific regulations covering lighting and security are contained in 33 CFR §104.100 et seq. 33 CFR §104.285 governs security measures and states in pertinent part:

"(a) General. (1) The vessel owner or operator must ensure the implementation of security measures and have the capability to continuously monitor, through a combination of <u>lighting</u>, watchkeepers, security guards, deck watches, waterborne patrols, automatic intrusion-detection devices, or surveillance equipment, as specified in their approved Vessel Security Plan (VSP)..." (Emphasis added.)

The federal regulations also address different Maritime Security (MARSEC) threat levels, and the required lighting measures that may be required by the United States Coast Guard at each escalating security threat level.

- "(b) MARSEC Level 1. The vessel owner or operator must ensure the implementation of security measures, which may be done in coordination with a facility, to: .....
- (5) Light deck and vessel access points during the period between sunset and sunrise and periods of limited visibility sufficiently to allow visual identification of persons seeking access to the vessel; and
- (6) Use maximum available lighting while underway, during the period between sunset and sunrise, consistent with safety and international regulations....."

Under MARSEC level 2, the regulations state:

- "(c) MARSEC Level 2. In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the vessel owner or operator must also ensure the implementation of additional security measures, as specified for MARSEC Level 2 in the approved VSP. These additional security measures may include:
- (2) Increasing the coverage and intensity of lighting, alone or in coordination with the facility;
- (3) Using or increasing the use of security and surveillance equipment......"

Under MARSEC Level 3, the regulations state:

- "(d) MARSEC Level 3. In addition to the security measures for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the vessel owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 3 in the approved VSP. These additional security measures may include:
- (2) Switching on all lights;
- (3) Illuminating the vicinity of the vessel...."

(USCG-2003-14749, 68 FR 39302, July 1, 2003, as amended, 68 FR 60514, Oct. 22, 2003). 33 CFR §104.285 is attached as Appendix A.

Additionally, the International Convention for Safety of Life at Sea (SOLAS) requires that emergency escape and assembling areas to be "well lit," although no specific lux levels are given. SOLAS further requires that all emergency lighting, escape routes, deck lifeboat areas and assembling areas, will be inspected and approved by the United States Coast Guard.

Item 5. Describe any plans/proposals for future facilities or expansion of existing facilities. Include any proposed structures and lighting by type, purpose, and location. Plans (architecture and site plans), photos, and drawings can be attached.

Not applicable at this time

Item 6. Pursuant to the Endangered Species Act (ESA), Section 10 (a)(2)(A)(iii), describe alternatives to <u>avoid</u> the taking considered and evaluated. Provide reasons why those alternatives are not being utilized. Alternatives can include operational or facility design changes (attach pages as needed). The tables below may be altered as needed.

Activities that NCL has direct control over that may result in covered species landing on the vessel are restricted to those associated with lighting. Other programs that the NCL implements that result in benefits to seabirds include, but are not limited to, increased staff training, guest outreach, and monitoring and rapid recovery of downed seabirds. NCL has addressed all of these issues to the maximum extent practicable. Light avoidance and minimization measures considered are presented in Table 3. Those measures and protocols implemented are detailed in the following sections of the application.

Table 3: Light Attraction Alternatives to the Taking

Artificial Light Attraction Alternatives to the Taking Considered	Reasons Alternatives are not Being Utilized (provide justification)
<ul> <li>Deactivate <u>all</u> outdoor artificial lights from dusk to dawn during the fledgling fall-out season September 15 to December 15</li> </ul>	U.S. Coast Guard regulations do not permit ships to be dark at night
<ul> <li>Change operations to eliminate the need for outdoor artificial lighting (e.g., from nighttime to daylight hours)</li> </ul>	U.S. Coast Guard regulations do not permit, SOLAS does not allow, crew and passenger safety and safety does not allow
<ul> <li>Shield all lights from visibility from the beach, or screen all Green Sea Turtle nests, from May 15 to December 15 to avoid impacting the green sea turtle (Green Sea Turtle)</li> </ul>	Not Applicable
<ul> <li>Other alternatives to the taking considered, if any. If facility is proposed, include alternative designs considered</li> </ul>	Not Applicable

Item 7. Describe all site-specific seabird minimization measures considered for the Covered Activities. This item should follow KSHCP minimization objectives and measures as specified in Appendix E (Guidelines for Adjusting Lighting at Facilities) of the KSHCP document. Please consult with staff from the DOFAW and the USFWS as needed. The suggested tables below can be altered as needed.

Minimization measures modify the Covered Activities to reduce the effects of the activity on the Covered Species. KSHCP Participants will be required to implement minimization measures that apply to the facility to the "maximum extent practicable" per applicable state and federal laws which regulate incidental take license/permit issuance by the DLNR and the USFWS.

Minimization also entails searching and recovering grounded seabirds to minimize the chance of mortality. In addition, the presence of on-site predators (i.e. feral cats, dogs) should be controlled and removed because these animals can prey on grounded seabirds.

Provide justification, such as policies, regulations, or other rationale for measures that will not be implemented.

In 2007 a lighting review was conducted of the Pride of America by NCL's seabird consultant and NCL's Manager of Environmental & Regulatory Compliance. The purpose of the review was to determine which lights needed to be redirected, repositioned or turned off during the seabird season to reduce the potential that they would attract seabirds to the vessel, consistent with applicable federal regulations as noted above. These specific lighting protocols are presented in Table 4.

Table 4 details all of the lights that may pose an attractive risk to nocturnally flying seabirds including the number of fixtures, number of bulbs, wattage of each bulb, and the circuit breaker that controls each lighting circuit. Additionally, Table 1 provides the part number for each of the identified lighting fixtures. The manufacturer's product descriptions for each part are included in Appendix B. A PowerPoint presentation that illustrates the vessels deck plan, and presents photographs of all of the lighting fixtures turned off during the annual seabird fallout season is included in Appendix C.

The ship's environmental officer is responsible for ensuring that all of the lights detailed in Table 4 that need to be turned off during the seabird fallout season are in fact turned off. The particular circuit breakers than need to be turned off are identified in Table 4.

To calculate the reduction in illumination that the seabird fallout season light attraction and minimization plan provides, we multiplied the number of bulbs by the wattage of each bulb to arrive at a gross lighting wattage. The ships regular exterior lighting uses 53,369 watts of electricity. Deducting the wattage reduced by turning off the lights detailed in Table 4 during the seabird fallout season, which is calculated as 36,182 watts, represents a 68 percent reduction of light achieved by the avoidance and minimization plan. Since that retrofit additional lighting

minimization measures have been implemented including replacing all of the top side pool and stanchion lights with blue bulbs or blue coated bulb globes further reducing the amount of light output on the vessel.

The foregoing A&M measures have already been implemented, and costs associated with implementing these measures have already been incurred.

During the fledging season the following ship lighting is turned off, or left on.

Table 4. Light Attraction Avoidance & Minimization Plan

Exterior Lights Not Illuminated During the Shearwater Fledging Season						
Location	Description	#	# Bulbs	Wattage	Switch	
_		25	2	40		
6	Mooring Deck – Fwd.				S2	
7	Lifeboats Prep. Area PS + SB	52	2	32	S4	
7	Crew Sun Deck	12	1	17	S4F	
6	Lifeboats Floodlight Overboard	15	1	500	S5-PS	
6	Lifeboats Floodlight Overboard	15	1	500	S6-SB	
13	Ships Name	2	20	32	S10	
14	Open Deck Area Aft.	34	2	32	S12	
		9	2	17		
		13	1	13		
14	Open Deck Area Fwd.	52	1	13	S13	
15	Funnel Light NCLA Logo	2	20	32	S14	
15	Helicopter Pick Up Area	8	1	500	S15	
		26	1	13		
12-15+	Festival Light Aft. (String Lights)	1	67	25	S16	
15+	Festival Light Midship. (String Lights)	1	106	25	S17	
12-15+	Festival Light Fwd. (String Lights)	1	44	25	S18	
6	kterior Lights Illuminated During the Sh Open Deck Promenade Evacuation	nearwat	ter Fledgi 2	ng Season	<b>S</b> 3	
	Deck					
11	Spotlight Showers	2	1	50	S7	
12	Pool Aft Sun & Passenger Deck	85	1	13	S8	
13	Bar & Sports Area Deck Aft.	52	1	13	S9	
		24	1	32		
		6	2	60		
13	Open & Viewing Deck Fwd.	54	1	13	S11	
14		14	1	50		

Table 5: Seabird Light Attraction Minimization Measures Considered

Minimization Measures Considered	Feasible? (Y / N)	If not Feasible to Implement Measures, Provide Reason
<ul><li>Change time of light use (lights off earlier)</li></ul>	Yes / <u>NO</u>	Not practicable aboard a moving vessel due to safety and security concerns
<ul><li>Deactivate unnecessary lights</li></ul>	YES / No	This has been done to the extent that the US Coast Guard and SOLAS regulations allow
<ul><li>Replace all outdoor lights with full cut-off fixtures</li></ul>	YES / No	This has been done to the extent that the US Coast Guard and SOLAS regulations allow
<ul> <li>Shield all outdoor lights with full cut-off shields</li> </ul>	YES / No	This has been done to the extent that the US Coast Guard and SOLAS regulations allow
<ul><li>Angle all lights downward</li></ul>	YES / No	This has been done to the extent that the US Coast Guard and SOLAS regulations allow
<ul><li>Lower intensity (lumens) of outdoor lights</li></ul>	YES / No	This has been done extensively in all outdoor areas on board the vessel
<ul><li>Change bulb color to non-white spectrum</li></ul>	YES / No	This has been done extensively in all outdoor areas on board the vessel. Most of the exterior lights on the upper decks and around the pool have been changed to blue bulbs or blue coated lamp covers
<ul> <li>Prohibit/control unleashed predatory animals; prohibit outdoor feeding of animals; require sealed rubbish containers</li> </ul>	YES / No	Not applicable on an ocean-going ship
<ul><li>Provide Worker Seabird Awareness Training to staff</li></ul>	YES / No	All crewmembers are required to complete Seabird Awareness Training prior to their assumption of duties on each tour of duty
<ul><li>Provide outreach materials to staff &amp; guests</li></ul>	YES / No	During the seabird season printed outreach material is placed in every cabin and is posted in all crewmember areas of the vessel
<ul><li>Host Save Our Shearwaters (SOS) Aid Station</li></ul>	Yes / <u>NO</u>	Not applicable on an ocean-going ship – there is a SOS Aid Station at the harbor where any downed birds are placed

Item 8. <u>Minimization Plans</u>. Provide a plan to minimize the effects to the Covered Seabirds due to the Covered Activities. KSHCP Participants will be required to minimize the effects of the Covered Activities to the "maximum extent practicable" per applicable state and federal laws which regulate take license/permit issuance. The KSHCP document provides minimization objectives and measures to follow.

The Minimization Plans should include the proposed minimization measures, timeline, and estimated cost for each facility. In this item, the Participant can include measures already completed or in place (new lights, shields, operational changes). Timeline should include estimated completion schedule, and annual schedule for minimization that will occur only during fledging season.

Minimization measures not yet determined but anticipated to occur at the facility; this section should include an estimated cost that will be earmarked for future minimization measures.

If applicable, the participant must provide the reasoning why certain measures will not be implemented. The suggested table below may each be altered to best describe the Minimization Plan. Attach additional pages, photos, and drawings as needed.

The lights that were modified on the ship were identified by conducting annual surveys of the ship with the NCL biologist, accompanied by the Director of Environmental Compliance from the Florida home office, along with the on-board environmental officer. These surveys are repeated every year prior to the onset of the seabird season typical on Kauai, and typically during August. Any needed modifications to the lighting regime are identified by the biologist prior to the season, and implemented prior to September 1 each year. The NCL biologist routinely conducts site visits of the ship when it is moored in Kauai during the seabird season to ensure that all of the in-season lighting minimization measures are being complied with. Please also see items 6 and 7 above and 9 below.

#### **Table 6: Lighting Minimization Measures**

List of Buildings	Minimization Measures	Cost to Implement	Responsible Staff	Timeline

**Table 7: Seabird Mortality Minimization Plan** 

Minimization Measures	Describe minimization method (e.g. trapping, outreach, enact policy)	Cost to Implement	Responsible Staff
Remove & control loose predatory animals at the facility. (Loose animals can kill grounded seabirds and this measure aims to prevent seabird mortality by animals.)	Not applicable on a seagoing vessel	N/A	N/A
Prohibit outdoor feeding of predatory animals. (feeding animals attracts them to the site and this measure aims to reduce the presence of animals that can cause seabird mortality.)	Not applicable on a seagoing vessel	N/A	N/A
Conduct nightly/morning searches to recover downed birds at the property & turn them into SOS following protocols (see monitoring plan below).	See Table 8 and Item 9 below	N/A	Environmental officer and all crewmembers
Train staff to follow minimization measures.	See item 11 below	N/A	Environmental officer

Item 9. Take Monitoring Plan. Provide a plan to monitor take of the Covered Seabirds at the facilities proposed to be covered by the incidental take permit/license. The take monitoring plan describes how the property will be searched for downed Covered Seabirds. The KSHCP document provides standards and guidelines for take monitoring to ensure that take of the species is accurately measured and recorded.

The regulatory agencies will make the final determination as to the adequacy of the take monitoring plan.

The onboard Environmental Officer is responsible for overseeing the seabird protocols, bird searches and recovery, record keeping, and interaction with the Save our Shearwater Program (SOS) on Kaua'i and with biologists from the State Department of Land and Natural Resources, Division of Forestry and Wildlife on O'ahu, Maui and Hawai'i. All crewmembers are responsible for searching their respective duty stations for downed seabirds on a daily basis. Seabird monitoring covers 100 percent of the ship that is accessible to crew members and passengers. A copy of the current seabird protocols is attached as Appendix E.

The Environmental Officer maintains a log of all seabirds recovered on the vessel. A typical log is attached as Appendix F. The Environmental Officer is also responsible for ensuring that photographs are taken of every bird recovered on the ship, and is also required to transmit copies of the photographs and updated log sheet to both the NCL America Manager of Environmental & Regulatory Compliance, and NCL's seabird consultant on a weekly basis for review. Current seabird photography guidelines are attached as Appendix G.

As in previous years, a lighting review will be conducted by NCL's seabird consultant and the onboard Environmental Officer prior to the start of the seabird season to determine if additional changes need to be made to the seabird lighting protocols. Any revised lighting protocols will be added to this document when and if they are deemed necessary. Additionally, NCL's ISM audit team shall review the light plan and will also audit the seabird policy prior to the start of the seabird fallout season to ensure that all onboard preparations are ready and that the ship is in compliance with NCL's seabird policy.

**Table 8: Covered Seabird Take Monitoring Protocols** 

Please provide the following	Please provide the following information for the protocol items below				
Item	<b>Protocol</b> (fill in protocol & provide reasons)	KSHCP Guideline			
Percentage of the total property that will be searched & the total area to be searched	See above ("Seabird monitoring covers 100 percent of the ship that is accessible to crew members and passengers") and Appendix E.	Search as much area as possible			
Frequency of searches (# per day or per week)	Continuous searches through each day (see above)	Twice daily			
Time of day of searches	Crewmembers monitor their respective duty stations throughout their shift providing 24/7 coverage every day of the year	2-3 hours after sunset, and within 3 hours after sunrise			
Number of searchers per search area	Crewmembers are responsible for searching their respective duty stations. There are approximately 900 crew members	Depends on site conditions and safety considerations and vegetation, nearby hazards/threats			
Proposed training	A copy of the current seabird protocols is attached as Appendix E.	Annual training covering seabird identification, seabird handling, response procedures, verified and documented			

Item 10. Components of the Green Sea Turtle Minimization and Monitoring Plan (if required). Monitoring and minimization for the Green Sea Turtle is in two parts: A) Monitoring to detect nests and B) Monitoring and minimizing impacts to nests detected.

#### Part A: Monitoring to detect Green Sea Turtle Nests

Please provide the following information; the table below may be used and altered as needed.

- Detailed location and description of beaches, including linear distance, at which searching for nests of the green sea turtle will take place. Searches should take place at any beach from which light at the facility can be viewed;
- 2) Monitoring protocols indicating:
  - a) Annual training of searchers;
  - b) Frequency of searches;
  - c) Conduct active searching (searching the beach width);
  - d) Sufficient number of trained searchers to cover the area; and
  - e) Record results of search monitoring.
- 3) All Participants are required to record the results of search efforts. Records should provide:
  - a) Evidence (what was seen). Include description and provide photographs
  - b) Location on the beach (GPS) and physically mark the location if possible
  - c) Date and time of day
  - d) Description of surrounding land use (e.g., vacant, or developed), and
  - e) Proximity to the facility.

#### Part B: Monitoring of Identified Green Sea Turtle Nests

Each identified nest of the green sea turtle should be monitored and protected from light attraction. Please provide the following monitoring protocols; the tables below may be used and altered as needed.

- 1. Light avoidance measure for identified nests (either shield/deactivate lights at the facility or install and maintain a light shield around each identified nest);
- 2. Frequency of searches;
- 3. Number of searches monitoring the nests. The number of needed to monitor active nests will depend on number of nests identified and amount of beach needed to be covered;
- 4. Record the results of nest monitoring. Monitoring should provide:
  - a. Evidence of hatchling emergence (description and photos):
  - b. Date and time of emergence,
  - c. Direction of tracks
  - d. Condition of the nest area (e.g., disturbed or not).

<u>Table 9: Green Sea Turtle Monitoring Protocols – Part A: Monitoring to Detect Nests</u>

Please provide search protocols for detecting nests of the green sea turtle (Attach pages as needed)				
Item	<b>Protocol</b> (fill in protocol & provide reasons)	KSHCP Guideline		
Location & description of the beach,		Beach area surveyed should		
or beaches, surveyed and the linear		coincide with visibility from the		
distance of the beach.	N/A	facility with the lights.		
Frequency of searches		Weekly during nesting season (typ.		
(# per day or per week)		May 15 to end of August)		
	N/A			
Number of searchers per search area		Depends on site conditions and		
		safety considerations		
	N/A			
Proposed training		Searchers should receive annual		
		training conducted by the DLNR or		
	N/A	the USFWS, or their designee. See		
		item 9a.		

<u>Table 10: Green Sea Turtle Monitoring Protocols – Part B: Monitoring of Identified Nests & Minimization</u>

Please provide search protocols to monitor identified nests (from Part A) of the green sea turtle (Attach pages as needed)				
Item	Protocol (fill in protocol & provide reasons)	KSHCP Guideline		
Frequency of checks		Active nests should be monitored		
(# per day or per week)	N/A	every 1-2 days; then daily during		
		expected hatching date		
Light avoidance		If lights cannot be deactivated or		
	N/A	shielded from the nest, each nest		
		should be screened from visible		
		light.		
Number of searchers per search area		Depends on site conditions and		
	N/A	safety considerations		

### Item 11. Describe the schedule that will be followed to provide training for staff. Training must be provided to those that will conduct and oversee the searches at the facility.

The training should include:

- 1. Summary of regulations protecting the Covered Species;
- 2. Search procedures, route, frequency and timing specific to the facility's monitoring plan, for seabirds and green sea turtle nests (if applicable);
- 3. Response procedures including safe and proper techniques for handling seabirds;
- 4. Recognizing evidence of green sea turtle nests, proper nest light screening, and hatchling activity (if green sea turtle minimization and monitoring plan is applicable);
- 5. Procedures to document the results of searches;
- 6. Downed wildlife agency contacts; and
- 7. Nearest SOS aid station.

#### **Rescuing Downed Seabirds—Standard Operating Procedures (SOP)**

The following steps provide the procedure for recovering downed seabirds found:

- 1. Take the seabird recovery kit and pet carrier to the downed seabird.
- 2. Put on gloves.
- 3. Using towel to gently cover the bird, pick up the seabird.
- 4. Place the seabird in the pet carrier, and close the pet carrier.
- 5. Put the gloves and towel back in the seabird rescue kit.
- 6. Take the bird and pet carrier to an SOS Aid Station.
- 7. Transfer the bird to the Aid Station's pet carrier.
- 8. Call SOS at 632-0610 or 635-5117.
- 9. Return the seabird rescue kit and pet carrier.
- 10. Complete the Bird Take Field Report.
- 11. Give the completed "Bird Take Field Report" to the General Manager, or other responsible staff person at the facility.

#### **Contents of Seabird Recovery Kit**

- 1. Latex or nitrile gloves;
- 2. Three towels;
- 3. Hand sanitizer;
- 4. Flashlight or headlamp;
- 5. Clipboard, pen and blank "Bird Take Field Reports", or similar; and
- 6. Pet carrier medium sized. If a box is used it must be well ventilated and marked conspicuously "LIVE ANIMAL".

#### Seabird Awareness Training

A seabird awareness training program is conducted for all crewmembers from the Captain down to the cabin stewards once a year just prior to the start of the seabird seasons. If crew members join the ship for their tour of duty during the seabird season, they are given the seabird awareness training prior to them being allowed to take up their duty station. It is an employment requirement that all employees undergo the training program once a year, or at the start of their tour of duty. The Seabird Awareness Training Program is an integrated part of the NCL Safety and Environmental Management System, which in practice means that Seabird Awareness Training is as considered as important as firefighting, oil spill response or lifeboat training.

Synopsis of the NCLA/NCL Onboard Seabird Awareness Training Program:

The PowerPoint presentation attached as Appendix D includes slides detailing and defining seabird light attraction issues. It also contains slides identifying:

- Agency and Seabird Program Contacts
- Slides illustrating both threatened and endangered seabird species as well as the more commonly occurring species protected under the federal MBTA.
- Regulatory framework, both federal and state
- Definitions of "take"
- Penalties for non-compliance
- Seabird season lighting rules and protocols
- Seabird handling procedures and protocols

The training module is revised each year prior to the start of the seabird season incorporating any needed changes to the program identified during the previous season's activities. Copies of the current version of the PowerPoint slides used in this training program are provided in Appendix D, additionally, NCL's seabird consultant re-trains the onboard Environmental Officer just prior to the start of the seabird season each year.

# Item 12. Describe any outreach conducted (e.g., handing out pamphlets on seabird awareness to facility employees or guests, ):

#### **Guest Outreach**

During the seabird season, The Pride of America provides information on seabirds, and seabird protocols to its passengers in the "Free Style Daily," the ship's onboard daily newspaper. Typical seabird information provided to guests in the Free Style Daily is attached as Appendix H. The ship's hotel staff closes cabin draperies each afternoon as part of the turn-down service (NCL Housekeeping Policy (HK), 03.28 and HD .03.80 11/30/2006 and 11/2009 respectively). Additionally, when cabins are cleaned, draperies are also closed. Passengers are requested to keep their draperies closed as part of the ship's green initiative and to conserve natural resources.

# PART 2. Take Estimate, Requested Amount of Take Authorization, and Funding

Item 1. Show the calculation of estimated take for each of the Covered Species.

Following the take estimation methods in the KSHCP for estimating a Participant's take, the tables and charts below show the take estimate calculation for the facility for each of the Covered Seabirds.

The KSHCP take estimate method utilizes the average of the most recent 5 years of SOS recovery data for the facility. Applied to the data is an adjustment for downed birds not found, assumed at 50 percent.

If the landowner-applicant submits a take estimate with an alternate discovery rate, they must provide the reasons why an alternate rate was used to estimate take, including relevant information supporting their reasoning.

We have used the numbers generating by the SOS program, and verified through our own database to determine take. Technical consultation with USFWS from 2016 through 2018, including a site visit to the vessel, resulted in a determination by USFWS that a 100% searcher efficiency rate is appropriate for this PIP. Since every deck of the ship is walked constantly 24/7 365 days a year, and even a cigarette butt is found rapidly. Not to mention that we have a crew of approximately 960 on board at any given time, and usually over 1000 passengers in what ultimately is a confined and limiting space. All crewmembers are required to search their duty stations while they are on shift. In further support of the 100% searcher efficiency rate, there virtually is no location on the ship that multiple people do not visit multiple times a day – there really are almost no places for a fallout bird to hide that would escape detection in short order.

It is unlikely that birds fly into the side of the vessel underway as the vessel is travelling at anywhere between 5 and 12 knots an hour, even at these speeds the vessel creates both an in water pressure wave that marine mammals such as porpoises and dolphins love to ride – as well as an air pressure wave as the vessel cuts through the air. Seabirds often play with this pressure waves, and one of the best places to see seabirds is by riding on a vessel at sea – these seabirds fly at anywhere between 10 and 45 knots an hour and are designed to use the air pressure differential caused by wave action and anything else moving through the environment.

Table 11: Annual Lethal Take Estimate Calculation

		Newell's	Hawaiian	Band-rumped
		Shearwater	Petrel	Storm-Petrel
1.	Avg. from SOS data-or—monitoring data	0	_	_
	(5 most recent yrs. = 2012-2016)			
2.	Avg. from SOS data-or—monitoring data	_	0.07	0.13
	(15 most recent yrs. =2002-2016)			
3.	Avg. lethal take estimate – SOS DATA	0	0.01	0.02
4.	Adjustment for unobserved take (0% not	0	0.00	0.00
	searchable vs 50% typical)			
5.	Total annual lethal take from light	0	0.01	0.02
	attraction			
6.	Requested Annual Take	(1 every year)	0.2 (1	0.2 (1 every
			every five	five years)
			years)	
7.	Requested Take Over Permit Term	30	6	6 <sup>i</sup>

 $^{\rm i}$  Title of table revised per email from K. Cullison on 4/10/20.

## Item 2. Select the requested take authorization and permit/license term coverage for each of the Covered Species.

**Table 12: Newell's Shearwater:** 

Age Class	Annual Take Estimate: Fledglings	Annual Take Estimate: Adults or sub-adults	Take Limit for License/Permit Term
Mortality (Lethal)	O <sup>i</sup>	0	30 (1 every year) <sup>ii</sup>
Injury (Non-lethal)	0.06 <sup>iii</sup>	0	30 (1 every year)

<sup>&</sup>lt;sup>1</sup> This number is repeated from Line 1 of Table 11, above, and should not be added to the number in Table 11.

This number is NCL's <u>requested</u> take limit, repeated from the last line of Table 11, above, and should not be added to the number in Table 11.

This number of nonlethal take is derived by using the formula in KSHCP Section 6.2.2.1. As set forth in Section 6.2.2.1, "Lethal Take =100% undiscovered birds + 12% of birds that are discovered and turned into SOS." It follows, then, that nonlethal take is 88% of birds that are discovered and turned into SOS, or 88% of Line 1 of Table 10.

**Table 13: Hawaiian Petrel:** 

Age Class	Annual Take Estimate: Fledglings	Annual Take Estimate: Adults or sub-adults	Take Limit for License/Permit Term
Mortality (Lethal)	O <sup>i</sup>	0	6 <sup>ii</sup>
Injury (Non-lethal)	0.11 <sup>iii</sup>	0	6

<sup>&</sup>lt;sup>1</sup> This number is repeated from Line 5 of Table 11, above, and should not be added to the number in Table 11. It is different than NCL's <u>requested</u> annual take for Hawaiian Petrels in Table 11, above, which is 0.2 (1 every five years).

<sup>&</sup>quot;This number is NCL's <u>requested</u> take limit, repeated from the last line of Table 11, above, and should not be added to the number in Table 11.

This number of nonlethal take is derived by using the formula in KSHCP Section 6.2.2.1. As set forth in Section 6.2.2.1, "Lethal Take =100% undiscovered birds + 12% of birds that are discovered and turned into SOS." It follows, then, that nonlethal take is 88% of birds that are discovered and turned into SOS, or 88% of Line 1 of Table 10.

**Table 14: Band-rumped Storm Petrel:** 

Age Class	Annual Take Estimate: Fledglings	Annual Take Estimate: Adults or sub-adults	Take Limit for License/Permit Term
Mortality (Lethal)	Oi	0	6 <sup>ii</sup>
Injury (Non-lethal)	O <sup>iii</sup>	0	6

<sup>&</sup>lt;sup>1</sup> This number is repeated from Line 5 of Table 11, above, and should not be added to the number in Table 11. It is different than NCL's <u>requested</u> annual take for Hawaiian Petrels in Table 11, above, which is 0.2 (1 every five years).

<sup>&</sup>quot;This number is NCL's <u>requested</u> take limit, repeated from the last line of Table 11, above, and should not be added to the number in Table 11.

This number of nonlethal take is derived by using the formula in KSHCP Section 6.2.2.1. As set forth in Section 6.2.2.1, "Lethal Take =100% undiscovered birds + 12% of birds that are discovered and turned into SOS." It follows, then, that nonlethal take is 88% of birds that are discovered and turned into SOS, or 88% of Line 1 of Table 10.

Item 3. Funding Assurance. Provide proof of adequate funding (see KSHCP document). All participants must demonstrate requisite funding prior to permit/license approval to ensure that the proposed measures and actions, including monitoring, will be undertaken in accordance with the terms and schedule of the KSHCP.

NCL America currently undertakes all minimization and conducts all monitoring using its existing staff as part of annual operating budget, and will continue to do so through the term of the KSHCP. NCL America will provide financial assurances as required by the KSHCP.

Signature of Participant:			
Printed Name :		Date:	
•	all the information included is true and rticipant's knowledge and that this PIP	<ul><li>check to waive confidentiality</li></ul>	

#### **Contact Us**

Call the KSHCP Office at (808) 245-9160 or visit our office at 4272-B Rice Street, Līhu'e HI, 96766. Visit the project website: <a href="www.Kauai-seabirdhcp.info">www.Kauai-seabirdhcp.info</a> We look forward to working with you toward helping Hawai'i 's unique species!

#### **Appendices**

- Appendix A 33 CFR §104.285 Navigation and Navigable Waters PART 104—MARITIME SECURITY: VESSELS Subpart B—Vessel Security Requirements § 104.285 Security measures for monitoring.
- Appendix B Manufacturers specification sheets for exterior lighting fixtures
- Appendix C Pride of America seabird lighting protocols showing lighting changes implemented during the seabird season
- Appendix D Crew Seabird Awareness Training Program
- Appendix E Seabird Protocols
- Appendix F Typical Seabird data recovery form
- Appendix G Seabird photography guidelines
- Appendix H Typical seabird information published in the "Free Style Daily" for passengers

Appendix A – 33 CFR §104.285 Navigation and Navigable Waters PART 104—MARITIME SECURITY: VESSELS Subpart B—Vessel Security Requirements § 104.285 Security measures for monitoring.

### **Title 33: Navigation and Navigable Waters** PART 104—MARITIME SECURITY: VESSELS Subpart B—Vessel Security Requirements

#### § 104.285 Security measures for monitoring.

- (a) General. (1) The vessel owner or operator must ensure the implementation of security measures and have the capability to continuously monitor, through a combination of lighting, watchkeepers, security guards, deck watches, waterborne patrols, automatic intrusion-detection devices, or surveillance equipment, as specified in their approved Vessel Security Plan (VSP), the—
- (i) Vessel;
- (ii) Restricted areas on board the vessel; and
- (iii) Area surrounding the vessel.
- (2) The following must be considered when establishing the appropriate level and location of lighting:
- (i) Vessel personnel should be able to detect activities on and around the vessel, on both the shore side and the waterside;
- (ii) Coverage should facilitate personnel identification at access points;
- (iii) Coverage may be provided through coordination with the port or facility; and
- (iv) Lighting effects, such as glare, and its impact on safety, navigation, and other security activities.
- (b) Maritime Security (MARSEC) Level 1. At MARSEC Level 1, the vessel owner or operator must ensure the implementation of security measures, which may be done in coordination with a facility, to:
- (1) Monitor the vessel, particularly vessel access points and restricted areas;
- (2) Be able to conduct emergency searches of the vessel;
- (3) Ensure that equipment or system failures or malfunctions are identified and corrected;
- (4) Ensure that any automatic intrusion detection device sets off an audible or visual

alarm, or both, at a location that is continuously attended or monitored;

- (5) Light deck and vessel access points during the period between sunset and sunrise and periods of limited visibility sufficiently to allow visual identification of persons seeking access to the vessel; and
- (6) Use maximum available lighting while underway, during the period between sunset and sunrise, consistent with safety and international regulations.
- (c) MARSEC Level 2. In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the vessel owner or operator must also ensure the implementation of additional security measures, as specified for MARSEC Level 2 in the approved VSP. These additional security measures may include:
- (1) Increasing the frequency and detail of security patrols;
- (2) Increasing the coverage and intensity of lighting, alone or in coordination with the facility;
- (3) Using or increasing the use of security and surveillance equipment;
- (4) Assigning additional personnel as security lookouts;
- (5) Coordinating with boat patrols, when provided; and
- (6) Coordinating with shoreside foot or vehicle patrols, when provided.
- (d) MARSEC Level 3. In addition to the security measures for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the vessel owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 3 in the approved VSP. These additional security measures may include:
- (1) Cooperating with responders and facilities;
- (2) Switching on all lights;
- (3) Illuminating the vicinity of the vessel;
- (4) Switching on all surveillance equipment capable of recording activities on, or in the vicinity of, the vessel;
- (5) Maximizing the length of time such surveillance equipment can continue to record;

- (6) Preparing for underwater inspection of the hull; and
- (7) Initiating measures, including the slow revolution of the vessel's propellers, if practicable, to deter underwater access to the hull of the vessel.

[USCG-2003-14749, 68 FR 39302, July 1, 2003, as amended at 68 FR 60514, Oct. 22, 2003]

e-CFR Data is current as of April 30, 2010

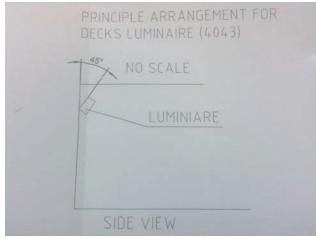
Appendix B – Manufacturers specification sheets for exterior lighting fixtures

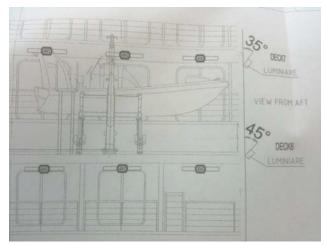
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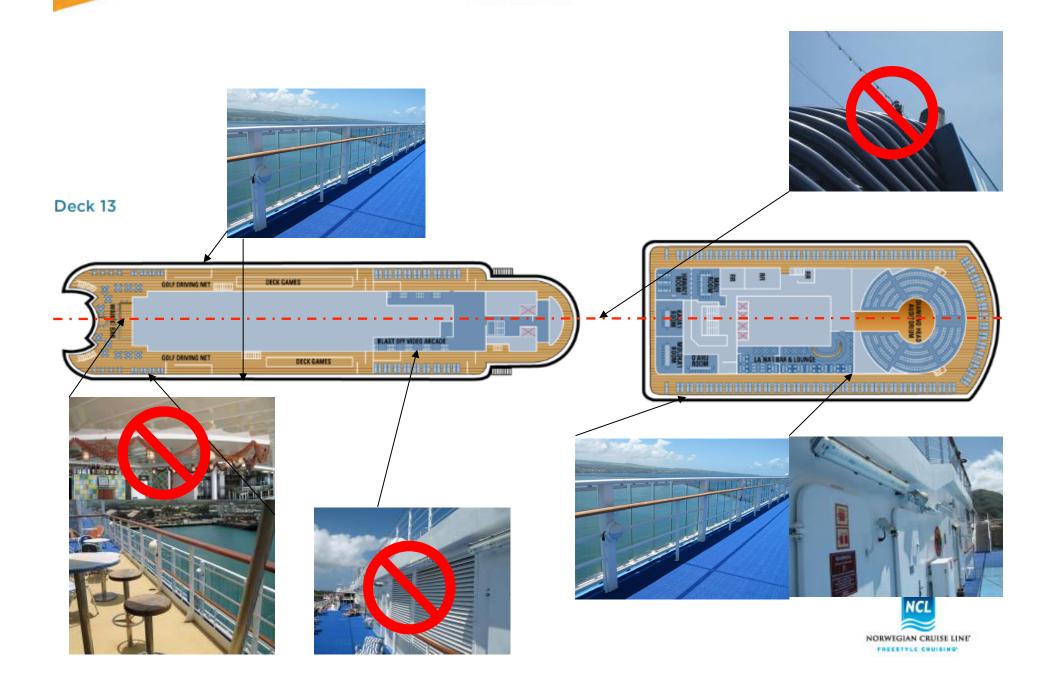


#### Appendix C – Pride of America seabird lighting protocols showing lighting changes implemented during the seabird season



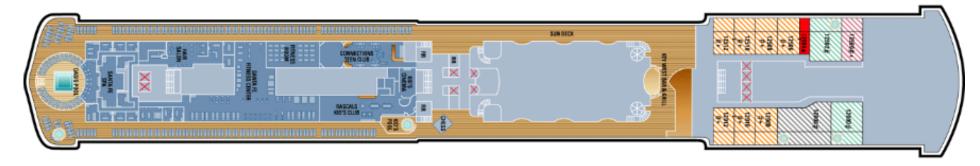








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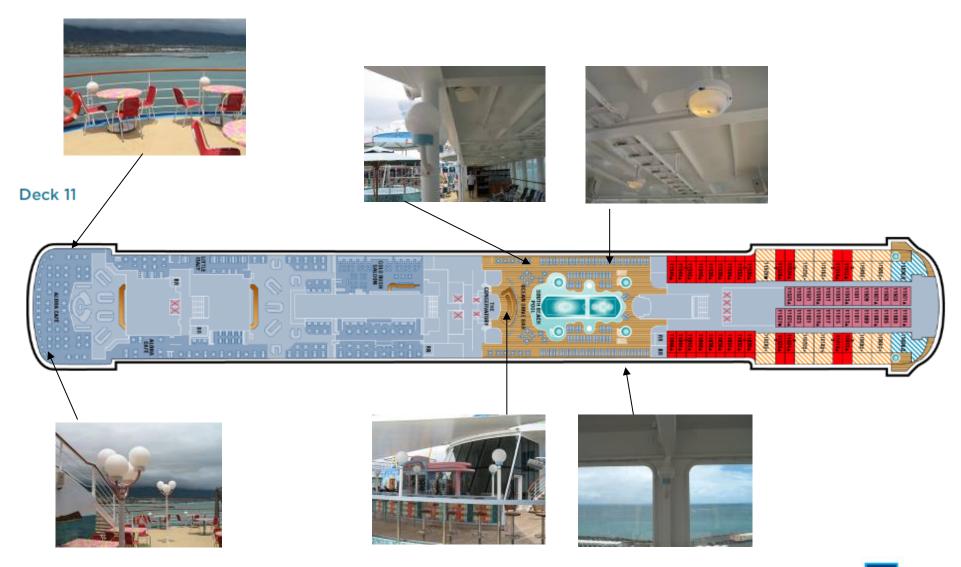








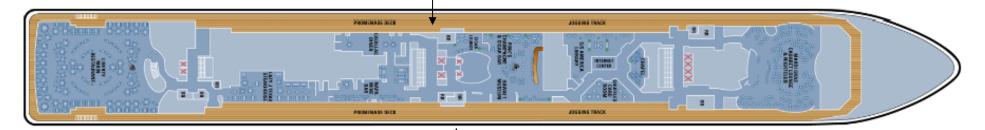






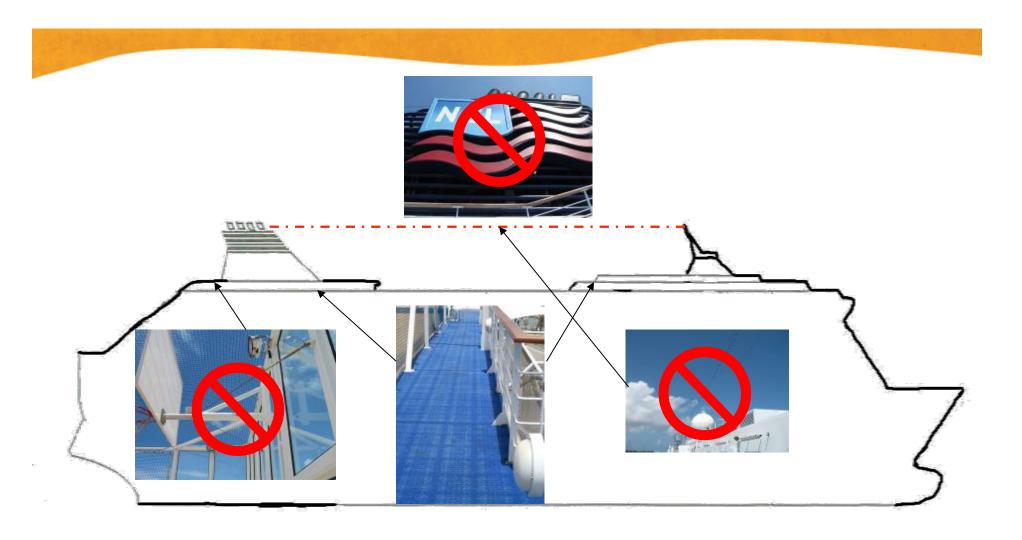


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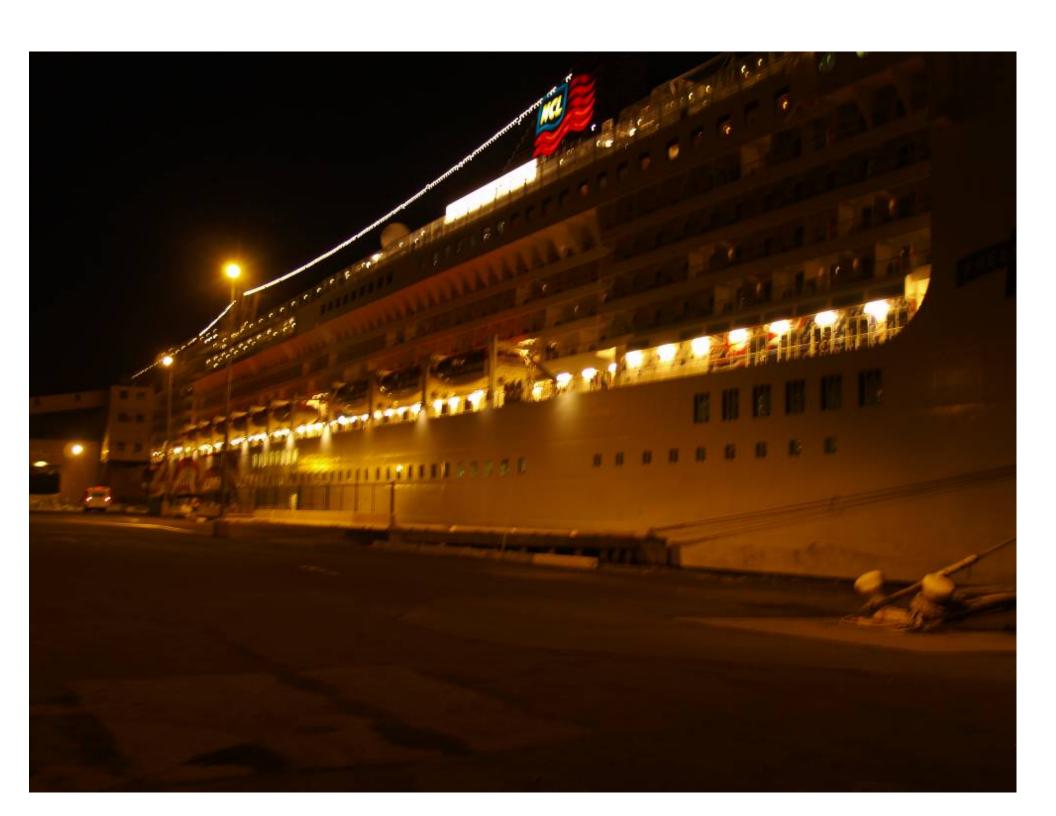


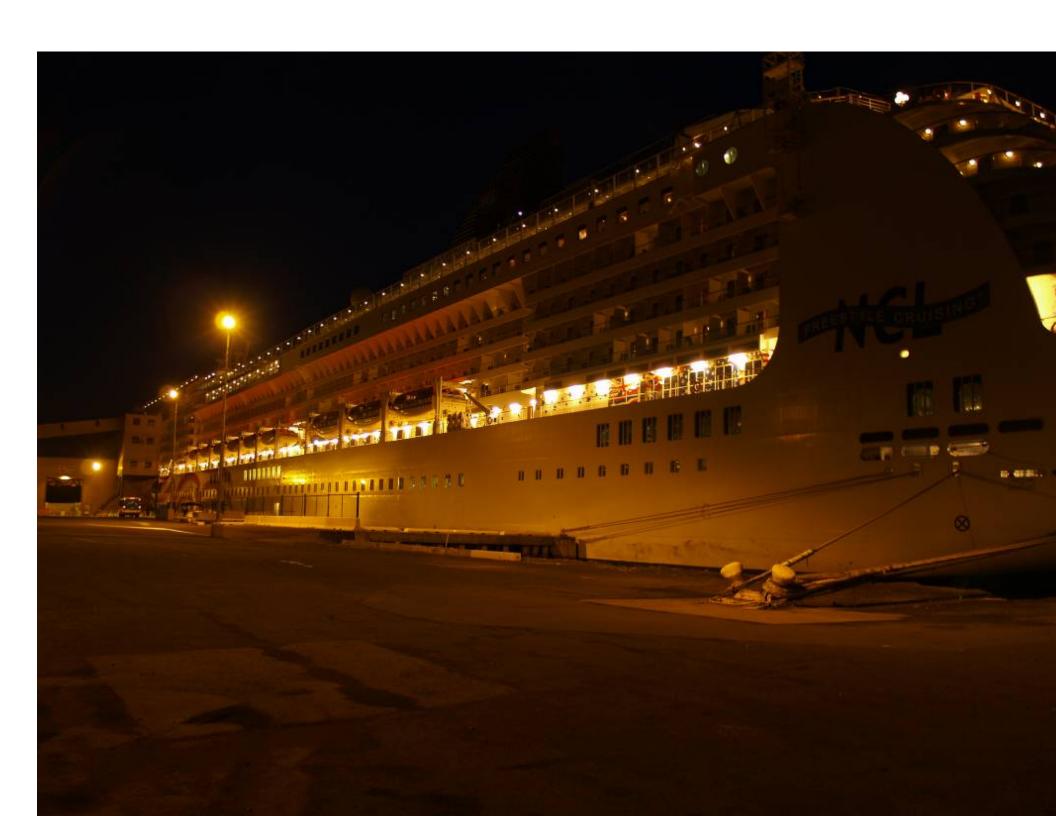




Basket Ball court Deck 14,







# Informing Our Guests Free Style Daily

From September – December, Hawaii's protected <u>seabirds</u>; fledglings will be taking flight into Open Ocean. As a precautionary measure, the Pride of America will be reducing its lighting on its open decks, to prevent the birds from flying into the vessel and sustaining any injuries. NCL is committed to making every effort to ensure that Hawaii's wildlife and environment are protected and cared for." Should you find an injured bird please call our Reception desk telephone # 0."





#### Pride of Aloha

Saturday September 1, 2007 Kahului, Maui

Today's forecast 20% Showers, 85F Surrise 6:08pm Departure 9:30pm

Arrival

an part)

Sunset

8:48pm

When was the last time you users parapared head-to-toe? Come to the spa and indulge in a table "me" lime with a relating massage shrift mult your cases away. You deserve to feel this good.

Tonight in the Stardust: Stardust Variety Show You've buighed at the highnous connedy of our connection and you've been impressed by the wonder of round singled at the reamous corneary or not consider and you've been engested by the women of our magician new do it all once again when you sealch the Standar, Variety Show. Don't miss a our magician now do it an own again when you watch the Standar, variety Show. Don't man manife Audio and video recording are prohibited. Please to children in the 4" three rows.

Time: 7:15pm & 9:00pm, Standard Theatre, Decks 6 & 7, AR

Tonight in the Blue Hawai'i: Country Night Kick up your heals for a boot-second in good sine. We'll teach you the moves you need. Line dancing instruction begins at 9 (30pm), and couples dancing rat continue after the activities.

Time: 10.00pm, Blue Hirwari Bar S. Neglischub, Decki S, Mid

#### What's on top today

Australian Airbrushed Tattons Thinking of getting a Tattop or just want to treak your greats out? Then join us for Autousted Talloos, they look real and last 3-7 Days! Ye are sure to have a design that will surt you Tiero: 1.00pm-6.00pm, Poolsido, Deck 11, Evel

Poolside Activities Join your Cruise Director's Staff for fun activities such as Poolside South the nativacionary wash an expression Olympies, Water Aerobics and our far. Socy Logs competition. Time: Activates Start at 2:30pm, Pool Deck, Deck 11, Mid

TV Thurse Song Trivia Test you knowledge of the greatest TV tunes in history! Do you remember the thams to "The A Team" or tow about 9 Dream of Jeanne? Well come and prove how much of a couch potata we know

you are! Time: 3:00pm, Pool deck, Deck 11, Fed

Mr. Seay Legs Competition Mendrick you have the best legs on the ship? Come up to the pool deck and put your best loot forward.

Comment Cards Don't forget to turn your Common Cards in. Ralle prices will be given

Keary Karaoke Do you have a favorite song that you just can't stop singing? Do you find

Ladies we will need judges. Time: 4.00pm, Pool Side, Deck 11, Fed

out at 7:00pm tanight. Marking 'good' means that we're only doing an average job.
Time: 7:00pm, Recepton Deak, Deck 5, Fwd

that you just, can't stop singing? Do you find that the best some are surged, the top of your lungs in bord of a covering st, the top of your saint to sing you can have fun watching others? Time: 8 00pm-0.15pm. Blue Hassafi, Deck 6, Mid

Specially Restaurants Juin us in one of the two-probability restaurants for our for a dining pattern with an international star. Dollar of the property of the School Star Control of t Specially transformers agon us at one of the face or board specialty resta option with an international flair — 50% of the cover change after 0.0cm. Kahis taking Resistanted — 0-ck 5, Mid. Royal Palm Bistro – Deck 12, Art. Parists Meeting — Deck 41, Art. Pacific Heights - Deck 11, Alt.

#### HONOLULU, HAWAI'I

You will curtainly wish to onjoy all that the island of O'ahu has to offer. It is known for attractions such as Surset Beach and the North Shore, as well as Visibili. Pearl Harbor and the capital city of Honolulu.

Orahu cradies a rich bland of cultures including Japanese, Chinese, Vietnamese, Samoan, Tongan, Tahitian, Hassaran and those from other Padific Islands. It is a meting pot due mostly to the great influx to the Island of storkers during the colonial plantation era.

Shoppers will find paradise in downlown Walkisi where designer labels abound in specialty shops bearing the names of Guoci, Prada, Tiffary's, Coach and many more. The Alpha Tower Marketplace, adjacent to F 10, is another wonderful) to enjoy an alternoon.

Moored next to the Hy Maritime Center is th Falls of Clyde, an i once operated by Navigation Com SYNONYMOUS passenger tran Hawalian Islands for de-

Bar Services Coffee Bar Dody 7. AR Hukitau Lanas Decs 11. Az 6:00sm-11:00sen 5:20pm-Class Atrium Bar Deck 7, Pad Freestyle Dining 7:50am-Close Breakers Bar Occk 11 A&d Room Service Dacks 4- yo: Dial #28 7:Diam-Clain Longboard Sports Bar Occi 11, At Hukifau Lanai, Deck 11. An Controletal Breakfast 9:00mm-Class 24 hours Hoku Bar Oock 12. Five 12:00pm-Class Hukilau Laniai, Olick 11, A2 Breaktast Burket Plantation Club Deck. 52, An 5:302m-6:00am & 10:30am-11:30am 12:00pm-0:00pm Hukilau Caté, Dock 11, All Broaktast Buttee Captain Cook's Bar 6:00am-10:30am 5:30pm-Close lack G. NE Crossings Main Dining Room, Dack 5, All T-06am-9:30am Many Selections Blue Hawai's Bar & Nightclub Dock 6, 164 5:30pm-Class 6:30mm-10:00mm Outrioger Lounge Hukelinu Curli, Dock 11, An 7:00pm-Close Standust Theatre Hukkau Lanai, Dack 11, Aff Closed 11:30am-2-30pm Guest Services Crossings Main Dining Room, Deck J. All. 3:30pm-10:00pm 7:80pm & 8:30pm Reception Deak Deck 5, Fold (#35) Palace State Etning Room, Occh 5: Fwil 5:30pm-8:30pm Internet Care 24 Hours Filtress & Attrobics Center Deck 11, Pag Hukilau Café, Dock 11, Att. Dirrier Suffet 24 Hours Shore Excursion Desk Deck S. Fun Ruyal Paine Bistro\*, Deck 12, Art 24 Hours Gold Hawai's Pro Shop Deck 7, Mid 5:30pm-9:00pm 7:00am-9:00am 6:00pm-6:00pm Knisti Rostmarani\*, Duck S. Mid Galleria Gift Shop Deck 7, At 7:00am-12:00pm 2:00pm-9:00pm 5:30pm-Close Onboard Credit Deak Pacific Heights\*, Deck 11, An Asian Fusion 7:00 am 10:30 pm 5:30pm-Close Mandara Spa & Salar Ceck 11, Finj Longboard Sports Bar, Dock 11, A& 3:50<sub>2m-11:05am</sub> 4:50<sub>pm-5:05pm</sub> 5:30pm-Close Motival Contes This life shar means that fixee restaurants charge a cover, and for could for you give the country of the count 3:00:m-0:00pm Kids Korner #:30am-1G:30am 4:50pm-5:05pm But by as Octo 7. At a measurement, a pre-secretarion, cold 31214 measurement the proper services for all questions the behaving death and all questions are all questions and all questions are Photo Gallery Data 5. At 9:00am-12:00pm 7:00pm-10:00pm International Rossess Desk Deck 5, Mai 329 Captain Goas 5 Ban 4:00pm.11:00pm All shoot blocked; if you begin area on write not have been an interest of the control of the co 6:00pm-8:00pm one sector in the 12 years are allowed to one presented by a present and the 12 years are allowed to one presentation above and the 12 years are allowed to one presentation above and the 12 years are act, of our pages received out of the 12 years act, and the 12 years are act, Castomer Relations Got a service problem? Well do our best to Castomer Relations: Got a service problem? West off our best for control of Castomer Relations. The measurements Deck. Occol 6 is a control of Castomer Relationship of Cas



#### Appendix D – Crew Seabird Awareness Training Program





# SEABIRD AWARENESS TRAINING PROGRAM

### **PURPOSE OF TRAINING**

- Several protected species of seabirds have come aboard our ships
- Norwegian is committed to the protection of these species
- Norwegian has specific seabird protocols in place that will be followed
- All crew members need to be familiar with the issues and protocols
- There are significant legal implications if these birds are harmed, or protocols are not followed

# **OUTLINE**

- Agency and Seabird Program Contacts
- Threatened and endangered seabird species
- Regulatory framework: State and Federal
- Definition of "Take"
- Penalties for non-compliance
- Seabird season lighting rules
- Seabird handling procedures & protocols

# **SEABIRDS**

# Threatened & Endangered



Newell's Shearwater



**Hawaiian Petrel** 



Band-Rumped Storm Petrel

# **OTHER SEABIRDS**



White-Tailed Tropicbird



Wedge-Tailed Shearwater



**Sooty Tern** 

#### HAWAIIAN PETREL

#### 'U'AU



- Listed as Endangered by both U.S. & State of Hawaii
- Breeding populations on Kaua'i, Maui, Lana'i and Hawai'i
- The Hawaiian Petrel, has a dark gray head, wings, and tail, and a white forehead and belly. It has a stout grayish-black bill that is hooked at the tip,legs are pinkish, with black and pink feet. This bird measures 16-17 inches in length and has a wing span of 35-37inches.

U

#### **NEWELL'S SHEARWATER**

#### 'A'O



- Listed as a threatened species by both the U.S. and State of Hawaii
- 80% world's population nests on Kaua'i
- Also breeds on Maui, Hawai'i and possibly Moloka'i
- The Newell's Shearwater has an almost black head, upper wings and tail, and is white below. It has a thin narrow bill. Legs and feet are grey/black. Newell's are 12-14-inches long, and has a wingspan of 30-inches

EQUISE LINE

#### BAND-RUMPED STORM-PETREL

#### 'AKE'AKE



- Listed as an endangered species State of Hawai'i
- Breeds on Kaua'i, Maui, and Hawai'i
- The Band-rumped Storm-Petrel is a very small, sparrow sized seabird. It is sooty/grey brown, with a white band circling the upper tail. It has a very small stubby beak with prominent tube on the top. Legs, feet and bill are black. They are 7-8 inches long, with a wingspan of 12-16-inches.

•

# LIGHTS, VESSELS & SEABIRDS

- Nocturnally flying seabirds are often attracted to lights
- Fledgling birds on their way to sea for the first time are often attracted to lights, and can be confused by them
- Confused birds may collide with structures, including vessels, or simply land on the ground, or ship to tired to continue flying
- Once on the ground they cannot take off again, and will die from starvation, or be killed by predators if not rescued
- Some seabirds land on vessels naturally and do not need assistance

NORWEGIAN

#### REGULATORY SETTING

#### **Protected Species**

Federal -

The Endangered Species Act of 1973, as amended (ESA)

Migratory Bird Treaty Act (MBTA)

State of Hawai'i -

Hawaii Revised Statutes (Section 195-D)

#### **IT IS ILLEGAL TO:**

"harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." any species listed under any of these statutes

INORWEGIAN

## TAKE HOME MESSAGE

- The downing of listed seabirds as a result of interactions with lights and man-made structures may be construed as "take" under the ESA, and/or HRS 195D.
- The minimization and avoidance of "take" to the maximum extent practicable is required under both federal and State of Hawaii endangered species statutes
- Failure to do so may result in enforcement action, which may result in significant civil and criminal penalties
- Penalties include civil fines of up to \$25,000 per incident, and criminal fines of up to \$50,000, and up to one year federal imprisonment per incident.

### **SEABIRD SEASON**

## Lighting Protocols

- Between September 1 and December 15, The Pride of America will implement a light reduction plan (Seabird Seasonal Lighting Plan)
- Vessels will turn off lights identified in that plan while in port
- The reason for the reduced lighting while in port is to minimize the chance that seabirds will be attracted to the lights, become disoriented by them, and then collide with the ship or associated dock facilities

### **DOWNED SEABIRD**

#### Search Protocols

- We will inspect all open and semi open decks after sunrise and after sunset each day looking for seabirds that have landed
- Downed seabirds often try to hide, make sure to check under any object that a bird might be able to hide under
- All crew members should also be aware of downed seabirds on the vessel, and report any such birds to the Environmental Officer immediately
- (DO NOT touch or approach the bird)
- Passengers should report any downed birds to reception. Reception will forward information of downed seabird immediately to the Environmental Officer.

#### **DOWNED SEABIRD**

### Handling Protocols

- All downed birds will be collected by the Environmental Officer
- All birds will be handled in accordance with SMS/EOC/P024 Seabird Protection Policy
- Data and photographs of all downed seabirds will be collected as detailed on SMS/EOC/P024 – Seabird Protection Policy
- All downed birds that do not fly off the ship unaided will be turned over to the appropriate wildlife agency personnel

NORWEGIAN

## PARTING MESSAGE

- Norwegian thanks you for your attention to, and assistance with this program
- Norwegian takes pride in our continued efforts to protect our oceans and the islands which we visit
- For further information please contact the Environmental Officer at 8815

15

# **SEABIRD PROGRAM CONTACTS**

State Dept. Land & Natural Resources

Thomas Kaiakapu - Wildlife Manager (808) 274-3440 Norwegian – Director, Environmental Operations

Sarah Ferguson-Brown (305) 436.4349 Sbrown@nclcorp.com

Save Our Shearwaters (SOS)Coordinator

Heather Young (808)-639-3343

Norwegian - Seabird Program Biologist

Reginald David (808) 329-9141 Cell (808) 937-0124 rdavid@kona.net



## **Appendix E – Seabird Protocols**

## SCOPE – The protection of Seabirds that come aboard our vessels and to ensure the safe return of these Seabirds to their Natural Habitat

#### Overview:

The Hawaiian Islands have many Seabirds that are protected under federal and State of Hawaii endangered species statutes. NCL has developed the Following procedures as part of our Commitment to the Protection of these Endangered species.

Some of these Seabirds include but are not limited to:

Hawaiian Petrel

Newell's Shearwater

Band-rumped Storm-Petrel

- Nocturnally flying seabirds are often attracted to lights
- Fledgling birds on their way to sea for the first time are often attracted to lights, and can be confused by them
- Confused birds may collide with structures, i.e. vessels, or simply land on the ground, or a ship to tired to continue flying
- Once on the ground they cannot take off again, and will die from starvation, or be killed by predators if not rescued

The Federal - The endangered species act of 1973, as amended (ESA) Migratory Bird Treaty Act (MBTA)

State of Hawai'i -

Hawaii Revised Statutes (Section 195-D)

The downing of listed seabirds as a result of interactions with lights and man-made structures may be construed as "take" under the ESA, and/or HRS 195D.

The minimization and avoidance of "take" to the maximum extent practicable is required under both federal and State of Hawaii endangered species statutes.

#### **Procedures:**

NCL/NCLA Vessels operating in and around the Islands of Hawaii will during the Shearwater fledging season will reduce its lighting to a maximum extent without endangering the safety or welfare of the Vessel or its passengers and crew.

Crews working on open decks are to inspect their areas of work for "Downed seabirds" paying particular attention to the early morning hours and just prior to sunrise and the late evening hours just after sunset. These birds will try to find hiding places one MUST look under and behind furniture and other objects that may provide good hiding places for injured/scared birds.

## **Protected Seabirds** (Hawaii Specific)

All birds that are located are **NOT** to be handled or threatened in any way; **IMMEDIATE** notification must be made to the Environmental Officer. He/she will, collect the Downed seabird and place into a clean and sanitary "Pet carrier" for safe keeping (In a dark quite location) until arrangements have been completed for handing over of the Seabird to a State of Hawaii Division of Forestry and Wildlife agent, or in the case of Kauai to the Save Our Shearwaters program. When a Seabird is handed over to an appropriate entity, the Environmental Officer must document who collected, and which agency or program collected the bird, or if the bird was left in the ports seabird rescue holding units, as well as who was notified that a bird has been left for collection and the time that said notification was made.

Any Hawaiian Petrel, Newell's Shearwaters or Band-rumped Storm-Petrels that are recovered dead, or die while in the care of the Environmental Officer shall be double bagged in Ziploc style freezer bags with the details of where the bird was found and any log reference numbers, and frozen until the ship docks in Nawiliwili on Kauai. At that time the Environmental Officer shall contact the Save Our Shearwater Program Coordinator, Angie Merritt at (808) 635-5117 for pickup. When in doubt as to the correct identification of the dead seabird handle as if it were one of the three listed species identified above

Guests are to be informed of the reduction in lighting by means of the Free Style Daily: Example for Freestyle Daily.

"From September – December, Hawaii's protected <u>seabirds</u>; fledglings will be taking flight into the Open Ocean. As a precautionary measure, The Pride of America will be reducing its lighting on its open decks, to prevent the birds from flying into the vessel and sustaining any injuries. NCL is committed to making every effort to ensure that Hawaii's wildlife and environment are protected and cared for." Should you find an injured bird please call our Reception desk telephone # 0.

Reception will upon being notified of a downed Seabird by a guest shall **IMMEDIATELY** notify the Environmental Officer for collection and documentation.

### Training:

Per the F541 Training Matrix the E-SHEAR shearwater training shall be conducted for every crew member onboard the vessel and documented in MAPS. Training shall commence two weeks prior to the Season opening date, and will continue for all crew and Officers joining during the season. The training must be given yearly.

#### **Documentation:**

Documenting each and every downed seabird is extremely important, and MUST be clear with precise location descriptions of where the Downed seabird was collected from.

Example: Fig 1

## **Protected Seabirds** (Hawaii Specific)

Date	Reference/Photo Name	Time	Location or Cabin #	
091608	091608A	2130hrs	Deck 6 Port Side Fwd Adjacent to Raft Launching station #2	
091608	091608B	2145hrs	Deck 11 Aft Lido Portside adjacent to wait station	

Documenting the Downed Seabird must include a set of clear Photographs to aid in the identification of it to species. Photographs are to be sent directly to Mgr Environmental and Regulatory Compliance <a href="mailto:Rwilkinson@ncl.com">Rwilkinson@ncl.com</a> and NCL's Seabird Program Biologist rdavid@ilhawaii.net

Photographs of the seabirds must to the best extent possible follow the examples provided to the Environmental Officer. Photograph files, must be named in conjunction with the reference on the Log sheet. As per example Fig 1

The Seabird Season Log is to be filled in on a daily basis and submitted weekly to the Manger Environmental and Regulatory Compliance for review.

#### Reference:

Pride of America Light Reduction Plan. Seabird Log Seabird Photography Guidelines Seabird Rescue Contact List F541 E-SHEAR Training.

For further information and questions please contact <a href="mailto:Rwilkinson@ncl.com">Rwilkinson@ncl.com</a> Manager Environmental and Regulatory Compliance

## Appendix F – Typical Seabird data recovery form







## **SEABIRD DATA LOG**

Date	Reference	Time	Location or Cabin #	Species	Ship Location Latitude	Ship Location Longitude	Agency or SOS contacted.	Time Contact Made / pickup	Pier-side SOS Aid Station.	Remarks

## Appendix G-Seabird photography guidelines

## SCOPE – The protection of Seabirds that come aboard our vessels and to ensure the safe return of these Seabirds to their Natural Habitat

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#### **Documentation:**

Documenting each and every downed seabird is extremely important, and MUST be clear with precise location descriptions of where the Downed seabird was collected from.

Example: Fig 1

Date	Reference	Time	Location or Cabin #
01Feb11	010211	0700	Deck 6 Port side outside Cadillac Diner
02Feb11	010212	0630	Deck 11 Aft Lido portside adjacent wait station

Documenting the Downed Seabird must include a set of clear Photographs to aid in the identification of it to species. Photographs are to be sent directly to Mgr Environmental and Regulatory Compliance <a href="mailto:sbrown@nclcorp.com">sbrown@nclcorp.com</a> and NCL's Seabird Program Biologist davidr003@hawaii.rr.com

Photographs of the seabirds must to the best extent possible follow the examples provided to the Environmental Officer. Photograph files, must be named in conjunction with the reference on the Log sheet. As per example Fig 1

The Seabird Season Log is to be filled in on a daily basis and submitted weekly to the Manger Environmental and Regulatory Compliance for review.

Reference:

Pride of America Light Reduction Plan.

Seabird Log

Seabird Photography Guidelines

Seabird Rescue Contact List

F541 E-SHEAR Training.

For further information and questions please contact <a href="mailto:sbrown@nclcorp.com">sbrown@nclcorp.com</a> Manager Environmental and Regulatory Compliance

Appendix H – Typical seabird information published in the "Free Style Daily for passengers

# Informing Our Guests Free Style Daily

From September – December, Hawaii's protected <u>seabirds</u>; fledglings will be taking flight into Open Ocean. As a precautionary measure, the Pride of America will be reducing its lighting on its open decks, to prevent the birds from flying into the vessel and sustaining any injuries. NCL is committed to making every effort to ensure that Hawaii's wildlife and environment are protected and cared for." Should you find an injured bird please call our Reception desk telephone # 0."





## Pride of Aloha

Saturday September 1, 2007 Kahului, Maui

Today's forecast 20% Showers, 85F Surrise 6:08pm Arrival an part)

When was the last time you users parapared head-to-toe? Come to the spa and indulge in a table "me" lime with a relating massage shrift mult your cases away. You deserve to feel this good.

Tonight in the Stardust: Stardust Variety Show You've buighed at the highnous connedy of our connection and you've been impressed by the wonder of round singled at the reamous corneary or not consider and you've been engested by the women of our magician new do it all once again when you sealch the Standar, Variety Show. Don't miss a our magician now do it an own again when you watch the Standar, variety Show. Don't man manife Audio and video recording are prohibited. Please to children in the 4" three rows.

Time: 7:15pm & 9:00pm, Standard Theatre, Decks 6 & 7, AR

Tonight in the Blue Hawai'i: Country Night Kick up your heals for a boot-second good sine. We'll teach you the moves you need. Line dancing instruction begins at 9 (30pm), and couples dancing rat continue after the activities. Time: 10.00pm, Blue Hirwari Bar S. Neglischub, Decki S, Mid

## What's on top today

Australian Airbrushed Tattons Thinking of getting a Tattop or just want to treak your greats out? Then join us for Autousted Talloos, they look real and last 3-7 Days! Ye are sure to have a design that will surt you Tiene: 1.00pm-6.00pm, Poolside, Deck 11, Evel

Poolside Activities Join your Cruise Director's Staff for fun activities such as Poolside South the matrial contents which as a consister Chympies, Water Aerobics and our far. Socy Logs competition. Time: Activities Start at 2:30pm, Pool Deck, Deck 11, Mid

TV Thurse Song Trivia Test you knowledge of the greatest TV tunes in history! Do you remember the thams to "The A Team" or tow about 9 Dream of Jeanne? Well come and prove how much of a couch potata we know

you are! Time: 3:00pm, Pool deck, Deck 11, Fed

Mr. Seay Legs Competition Mendrick you have the best legs on the ship? Come up to the pool deck and put your best loot forward. Ladies we will need judges. Time: 4.00pm, Pool Side, Deck 11, Fed

Sunset

8:48pm

Comment Cards Don't forget to turn your Common Cards in. Ralle prices will be given out at 7:00pm tanight. Marking 'good' means that we're only doing an average job.
Time: 7:00pm, Reception Deak, Deck 5, Fird

Keary Karaoke Do you have a favorite song that you just can't stop singing? Do you find that you just, can't stop singing? Do you find that the best some are surged, the top of your lungs in bord of a covering st, the top of your saint to sing you can have fun watching others? Time: 8 00pm-0.15pm.

Blue Hassafi, Deck 6, Mid

## HONOLULU, HAWAI'I

9:30pm

You will curtainly wish to onjoy all that the island of O'ahu has to offer. It is known for attractions such as Surset Beach and the North Shore, as well as Visibili. Pearl Harbor and the capital city of Honolulu.

Orahu cradies a rich bland of cultures including Japanese, Chinese, Vietnamese, Samoan, Tongan, Tahitian, Hassaran and those from other Padific Islands. It is a meting pot due mostly to the great influx to the Island of storkers during the colonial plantation era.

Shoppers will find paradise in downlown Walkisi where designer labels abound in specialty shaps bearing the names of Guoci, Prada, Tiffary's, Coach and many more. The Alpha Tower Marketplace, adjacent to F 10, is another wonderful) to enjoy an alternoon.

Moored next to the Hy Maritime Center is th Falls of Clyde, an i once operated by Navigation Com SYNONYMOUS passenger tran Hawalian Islands for de-

Bar Services Coffee Bar Dody 7. AR Hukitau Lanas Decs 11. Az 6:00sm-11:00sen 5:20pm-Class Atrium Bar Deck 7, Pad 7:50am-Close Breakers Bar Occk 11 A&d 7:Diam-Clain Longboard Sports Bar Occi 11, At 9:00mm-Class Hoku Bar Oock 12. Five 12:00pm-Class Plantation Club Deck. 52, An 12:00pm-0:00pm Captain Cook's Bar 5:30pm-Close lack G. NE Blue Hawai's Bar & Nightclub Dock 6, 164 5:30pm-Class Outrioger Lounge 7:00pm-Close Standust Theatre Closed Guest Services 7:80pm & 8:30pm Reception Deak Deck 5, Part | #25| Internet Care 24 Hours Filtress & Attrobics Center Deck 11, Pag 24 Hours Shore Excursion Desk Deck S. Fun 24 Hours Gold Hawai's Pro Shop Deck 7, Mid 7:00am-9:00am 6:00pm-6:00pm Galleria Gift Shop Deck 7, At 7:00am-12:00pm 2:00pm-9:00pm Onboard Credit Deak 7:00 am 10:30 pm Mandara Spa & Salar Ceck 11, Finj 3:50<sub>2m-11:05am</sub> 4:50<sub>pm-5:05pm</sub> Motival Contes 3:00:m-0:00pm Kids Korner #:30am-1G:30am 4:50pm-5:05pm Photo Gallery Data 5. At 9:00am-12:00pm 7:00pm-10:00pm International Rossess Desk Deck 5, Mai 329 Captain Goas 5 Ban 4:00pm.11:00pm 6:00pm-8:00pm

All shoot blocked; if you begin area on write not have been an interest of the control of the co

Freestyle Dining Room Service Dacks 4- yo: Dial #28 Hukifau Lanai, Deck 11. An Controletal Breakfast 24 hours Hukilau Laniai, Olick 11, A2 Breaktast Burket 5:302m-6:00am & 10:30am-11:30am Hukilau Caté, Dock 11, All Broaktast Buttee 6:00am-10:30am Crossings Main Dining Room, Dack 5, All T-06am-9:30am Many Selections 6:30mm-10:00mm Hukelinu Curli, Dock 11, An Hukkau Lanai, Dack 11, Aff 11:30am-2-30pm Crossings Main Dining Room, Deck J. All. 3:30pm-10:00pm Palace State Etning Room, Occh 5: Fwil 5:30pm-8:30pm Hukilau Café, Dock 11, Att. Dirrier Suffet Ruyal Paine Bistro\*, Deck 12, Art 5:30pm-9:00pm Knisti Rostmarani\*, Duck S. Mid 5:30pm-Close Pacific Heights\*, Deck 11, An Asian Fusion 5:30pm-Close Longboard Sports Bar, Dock 11, A& 5:30pm-Close This life shar means that fixee restaurants charge a cover, and for could for you shall go for fixed to well worth it. For resemblings, cost 31214 But by as Octo 7. At a measurement, a pre-secretarion, cold 31214 measurement the proper services for all questions the behaving death and all questions of the highest per an area of the highest pe one sector in the 12 years are allowed to one presented by a present and the 12 years are allowed to one presentation above and the 12 years are allowed to one presentation above and the 12 years are act, of our pages received out according to the 12 years and the 12 years are act, of our pages received out according to the 12 years are act, of our pages received out according to the 12 years are act, of our pages received out according to the 12 years are according to the 12 years and 12 years are according to the 12 years are according to 12 years are according to the Castomer Relations Got a service problem? Well do our best to Castomer Relations: Got a service problem? West off our best for control of Castomer Relations. The measurements Deck. Occol 6 is a control of Castomer Relationship of Cas

No. WEGIAN CRUISE LINE

FREESTYLE CRUISING

Specially Restaurants Juin us in one of the two-probability restaurants for our for a dining pattern with an international star. Dollar of the property of the School Star Control of t Specially transformers agon us at one of the face orbital specialty resta option with an international flair — 50% off the cover change after 0.0cm. Kahis taking Resistanted — 0-ck 5, Mid. Royal Palm Bistro – Deck 12, Art. Parists Meeting — Deck 41, Art.

Pacific Heights - Deck 11, Alt.