



Kaua'i Seabird
Habitat
Conservation
Program
(KSHCP)

Participant
Inclusion Plan
(PIP)

[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 F. 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.

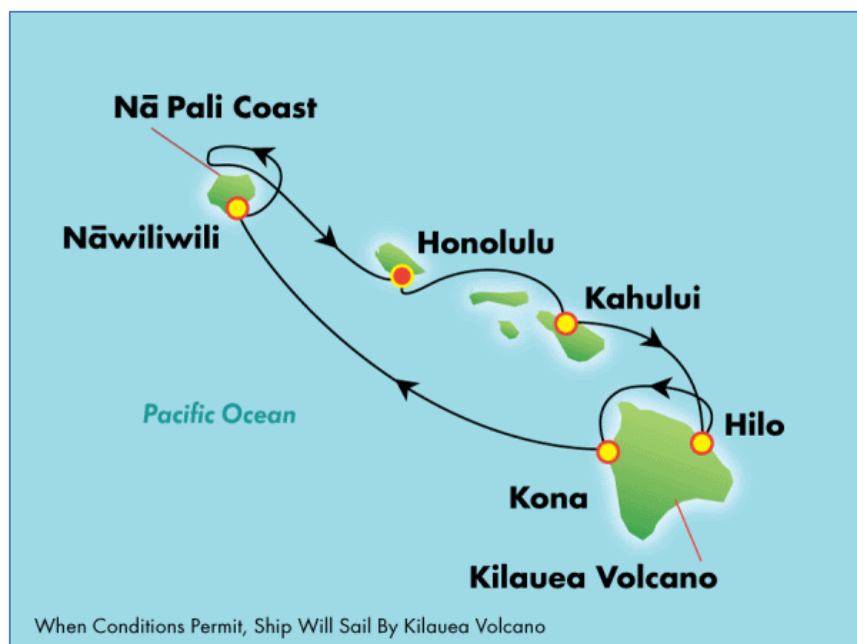


Figure 1- Typical weekly cruise track

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		--	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 removed years ago.](#) 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 Deck	146	2	32	4043
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 Lights)	1	106	25	40.5m. Length
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.

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

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 lighting, 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 avoid 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 style="list-style-type: none"> ▪ Deactivate <u>all</u> outdoor artificial lights from dusk to dawn during the fledgling fall-out season September 15 to December 15 	<p>U.S. Coast Guard regulations do not permit ships to be dark at night</p>
<ul style="list-style-type: none"> ▪ Change operations to eliminate the need for outdoor artificial lighting (e.g., from nighttime to daylight hours) 	<p>U.S. Coast Guard regulations do not permit, SOLAS does not allow, crew and passenger safety and safety does not allow</p>
<ul style="list-style-type: none"> ▪ 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) 	<p>Not Applicable</p>
<ul style="list-style-type: none"> ▪ Other alternatives to the taking considered, if any. If facility is proposed, include alternative designs considered 	<p>Not Applicable</p>

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 that 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
6	Mooring Deck Deck – Fwd.	25	2	40	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
Exterior Lights Illuminated During the Shearwater Fledging Season					
6	Open Deck Promenade Evacuation Deck	146	2	32	S3
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
▪ Change time of light use (lights off earlier)	Yes / <u>NO</u>	Not practicable aboard a moving vessel due to safety and security concerns
▪ Deactivate unnecessary lights	<u>YES</u> / No	This has been done to the extent that the US Coast Guard and SOLAS regulations allow
▪ Replace all outdoor lights with full cut-off fixtures	<u>YES</u> / No	This has been done to the extent that the US Coast Guard and SOLAS regulations allow
▪ Shield all outdoor lights with full cut-off shields	<u>YES</u> / No	This has been done to the extent that the US Coast Guard and SOLAS regulations allow
▪ Angle all lights downward	<u>YES</u> / No	This has been done to the extent that the US Coast Guard and SOLAS regulations allow
▪ Lower intensity (lumens) of outdoor lights	<u>YES</u> / No	This has been done extensively in all outdoor areas on board the vessel
▪ Change bulb color to non-white spectrum	<u>YES</u> / 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
▪ Prohibit/control unleashed predatory animals; prohibit outdoor feeding of animals; require sealed rubbish containers	<u>YES</u> / No	Not applicable on an ocean <u>g</u> oing ship
▪ Provide Worker Seabird Awareness Training to staff	<u>YES</u> / No	All crewmembers are required to complete Seabird Awareness Training prior to their assumption of duties on each tour of duty
▪ Provide outreach materials to staff & guests	<u>YES</u> / No	During the seabird season printed outreach material is placed in every cabin and is posted in all crewmember areas of the vessel
▪ Host Save Our Shearwaters (SOS) Aid Station	Yes / <u>NO</u>	Not applicable on an ocean <u>g</u> oing ship – there is a SOS Aid Station at the harbor where any downed birds are placed

Item 8. Minimization Plans. 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~~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 information for the protocol items below		
Item	Protocol (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.

- 1) 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).

Table 9: Green Sea Turtle Monitoring Protocols – Part A: Monitoring to Detect Nests

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

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

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 (# per day or per week)	N/A	Active nests should be monitored every 1-2 days; then daily during expected hatching date
Light avoidance	N/A	If lights cannot be deactivated or shielded from the nest, each nest should be screened from visible light.
Number of searchers per search area	N/A	Depends on site conditions and 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".

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 ~~fire fighting~~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. ~~We have determined~~ [Technical consultation with USFWS from 2016 through 2018, including a site visit to the vessel, resulted in a determination by USFWS](#) that ~~we have~~ a 100% searcher efficiency rate ~~since~~ [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 ~~people~~ on board at any given time, and usually over ~~a~~ 1000 ~~passages~~ [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~~Calculationⁱ

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

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)			
Injury (Non-lethal)			
<u>Mortality (Lethal)</u>	<u>0ⁱⁱ</u>	<u>0</u>	<u>30 (1 every year)ⁱⁱⁱ</u>
<u>Injury (Non-lethal)</u>	<u>0.06^{iv}</u>	<u>0</u>	<u>30 (1 every year)</u>

ⁱⁱ This number is repeated from Line 1 of Table 11, above, and should not be added to the number in Table 11.

ⁱⁱⁱ This number is NCL’s requested take limit, repeated from the last line of Table 11, above, and should not be added to the number in Table 11.

^{iv} 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)	<u>0</u> ⁱ	<u>0</u>	<u>6</u> ⁱⁱ
Injury (Non-lethal)	<u>0.11</u> ⁱⁱⁱ	<u>0</u>	<u>6</u>

ⁱ 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 requested annual take for Hawaiian Petrels in Table 11, above, which is 0.2 (1 every five years).

ⁱⁱ This number is NCL’s requested take limit, repeated from the last line of Table 11, above, and should not be added to the number in Table 11.

ⁱⁱⁱ 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)	<u>0</u> ⁱ	<u>0</u>	<u>6</u> ⁱⁱ
Injury (Non-lethal)	<u>0</u> ⁱⁱⁱ	<u>0</u>	<u>6</u>

ⁱ 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 requested annual take for Hawaiian Petrels in Table 11, above, which is 0.2 (1 every five years).

ⁱⁱ This number is NCL’s requested take limit, repeated from the last line of Table 11, above, and should not be added to the number in Table 11.

ⁱⁱⁱ 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: _____

The undersigned affirms that all the information included is true and accurate to the best of the participant’s knowledge and that this PIP is voluntarily submitted.

check to waive confidentiality

Contact Us

Call the ~~KSHSCP~~ [KSHCP](#) Office at (808) 245-9160 or visit our office at 4272-B Rice Street, Līhu‘e HI, 96766. Visit the project website: www.Kauai-seabirdhcp.info 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

Document comparison by Workshare Compare on Wednesday, May 13, 2020
10:44:31 AM

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Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

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