

# **Kaua'i Seabird Habitat Conservation Program (KSHCP)**

## **Participant Inclusion Plan (PIP)**

**Sheraton Kauai**

## **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.**

Applicant: Kauai Blue, Inc.

Physical Address: 2440 Hoonani Road, Koloa, Hi 96756

Mailing Address: 2440 Hoonani Road, Koloa, Hi 96756

Contact: Security Manager Joseph Kaneakua  
Address: 2440 Hoonani Road, Koloa, Hi 96756  
Telephone: 808-742-4067  
Email: [joseph.kanekua@sheraton.com](mailto:joseph.kanekua@sheraton.com)

Alt. Contact: Position: Dan Sheldon  
Address: 2440 Hoonani Road, Koloa, Hi 96756  
Telephone: 808-742-3795  
Email: [dan.sheldon@sheraton.com](mailto:dan.sheldon@sheraton.com)

**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.**

The Sheraton Kauai is located at a physical street address of 2440 Hoonani Road, Koloa, Hi 96756.

The resort encompasses three tax map keys:

Oceanside property 2-8-016: 003 = 8.4 acres/365,904 sf

Garden side property 2-8-016: 004, 2-8-015: 43 and 44 = 11.7 acres/509,652 sf

Copies of these TMKs maps are included in Appendix A, and a site plan is included in Appendix B. Lighting location is indicated in Table 1 below.

**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.**

The Sheraton Kauai is seeking coverage for operation of artificial lighting in connection with all activities associated with running the Resort. These activities include, lighting for the parking lot & delivery areas, grounds, buildings, and walkways. The property is landscaped throughout the property typical of a resort. The property covers 20.1 acres.

The table below provides the current outdoor lighting at the Sheraton Kauai. Table 1 below provides the outdoor lighting at the Resort. The Avoidance and Minimization Plan (item 7) addresses light attraction

**Table 1: Outdoor Lighting at Sheraton Kauai Resort**

Light Type Make & Model	Light output (e.g. lumens) & bulb type	Bulb Color	Quantity (No. Fixtures)	Location	Purpose of the Lights	Direction of Light angle (e.g. up, down, out)	Full cut- off/shielded fixture (y / n)	Time on/Time off
Parking lot pole light	bulb type & wattage  LED / 20 watts	Color  Warm White	39	Parking lot; front, rear & sides	Parking lot illumination – Safety & Security	Down	Yes	12 hr. period  Dusk - Dawn
Signage illumination flood lights/fluorescent tubes/lit internally	bulb type & wattage  Ground lights/ 65 watts	Color  white	6		Signage – directional purposes	Pointing to signs	Yes	12 hr. period  Dusk - Dawn
Wall-pack building lights	bulb type & wattage  20watts	Color  White	332	Wall mounted	Building lights – Safety & Security	Up to ceiling & down to floor	Yes	12 hr. period  Dusk - Dawn
Landscaping & grounds accent floodlights	bulb type & wattage  Par 38 type / 65 watts	Color  Warm  White	18	Entry; Courtyard; Pool; Beach Access; Flag Poles; other locations	Landscape illumination; accent lighting  Function Events – Safety & Security	Down	No, but pointed down	12 hr. period  Dusk - Dawn
Short walkway Bollards	bulb type & wattage  20 watts	Color  White	40	Walkways	Pedestrian guidance – Safety & Security	Diagonal	Yes	12 hr. period  Dusk - Dawn



**Table 2 - Green Sea Turtle Assessment for the Site & Facility**

<p>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>		
<p>Are any of the facilities located adjacent to a beach?</p>	<p><u>Yes</u> / No</p>	<p>If yes, provide length of beach frontage &amp; brief description of facilities &amp; lights adjacent to the beach</p> <p>2008.2 linear feet fronting the luau garden Guest Units and Common Areas w/shielded lighting</p>
<p>Are any of the Covered Activities (lights) visible from a beach?</p>	<p><u>Yes</u> / No</p>	<p>If yes, describe the specific lights (type, quantity, height, purpose) &amp; specific location; provide map &amp; photos showing distance from beach</p> <p>Ocean Fitness center building 1, 36' from shoreline. Lavas Bar, 43' from shoreline. Rum Fire, 33' from shoreline. Luana Kai, 30' from shoreline.</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> <p align="center">N/A</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.**

There are no specific lighting standards, rules, restrictions or requirements that the Resort must comply with, beyond assuring that lighting is adequate to ensure guest and employee safety and security, in accordance with brand/company safety standards. Pre-seabird season lighting audits will be conducted by a seabird biologist and necessary tweaks to the lighting are completed prior to the start of the seabird season each year.

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

The Sheraton Kauai has no plans for the future on the books that would cause us to install extra interior or exterior lights.

**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 the Sheraton Kauai has direct control over that may result in covered species landing on the property are restricted to those associated with lighting. Other programs that the Resort implements that result in benefits to seabirds include increased staff training, guest outreach (brochures go into guest rooms during the seabird fledging season), and monitoring and rapid recovery of downed seabirds (Appendices C and D). The Resort has addressed all of these issues to the maximum extent practicable. Measures and protocols implemented are detailed in the following sections of the application.

In the following table light attraction avoidance and minimization alternatives that were analyzed are presented.

**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"> <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>	<p>Lighting is required for direction, safety, and security of the hotel grounds for guests, visitors, and employees.</p>
<ul style="list-style-type: none"> <li>▪ Change operations to eliminate the need for outdoor artificial lighting (e.g., from nighttime to daylight hours)</li> </ul>	<p>Guest and staff safety and security precludes this option. To do this the hotel would need to be closed at night, which is not a viable business option.</p>
<ul style="list-style-type: none"> <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>	<p>Lights are shielded and the beach is dark. Some beach lighting is required for direction, safety, and security of the beach for guests, visitors, and employees.</p>
<ul style="list-style-type: none"> <li>▪ Other alternatives to the taking considered, if any. If facility is proposed, include alternative designs considered</li> </ul>	<p>The resort has replaced a very large number of lights on and in the resort to reduce the amount of stray light being produced. Black-out drapes have been placed in all hallways and rooms in the resort reducing the visible interior lighting. Bulbs have been reduced in lumens over the past 10 years. All upward pointing lights have been removed or are turned off during seabird fledging season. See Seabird Lighting Minimization Procedures on Page 1-9.</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 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.**

**Table 4: Seabird Light Attraction Minimization Measures Considered**

<b>Minimization Measures Considered</b>	<b>Feasible? (Y / N)</b>	<b>If not Feasible to Implement Measures, Provide Reason</b>
▪ <b>Change time of light use (lights off earlier)</b>	<b>YES / <u>No</u></b>	Facility operates at all hours and grounds safety is required.
▪ <b>Deactivate unnecessary lights</b>	<b><u>YES</u> / No</b>	
▪ <b>Replace all outdoor lights with full cut-off fixtures</b>	<b><u>YES</u> / No</b>	Except lights that are very low to ground and shielded by vegetation.
▪ <b>Shield all outdoor lights with full cut-off shields</b>	<b><u>YES</u> / No</b>	Except lights that are very low to ground and shielded by vegetation.
▪ <b>Angle all lights downward</b>	<b><u>YES</u> / No</b>	Except lights that are very low to ground and shielded by vegetation.
▪ <b>Lower intensity (lumens) of outdoor lights</b>	<b><u>YES</u> / No</b>	
▪ <b>Change bulb color to non-white spectrum</b>	<b><u>YES</u> / No</b>	Warm tone lights are in use
▪ <b>Prohibit/control unleashed predatory animals; prohibit outdoor feeding of animals; require sealed rubbish containers</b>	<b><u>YES</u> / No</b>	There are no unleashed animals on property, and trash bins have restricted coverings.
▪ <b>Provide Worker Seabird Awareness Training to staff</b>	<b><u>YES</u> / No</b>	See Item 6, above, and Appendix C (Standard Operating Procedure).
▪ <b>Provide outreach materials to staff &amp; guests</b>	<b><u>YES</u> / No</b>	See item 6, above, and Appendix D (guest brochure).
▪ <b>Host Save Our Shearwaters (SOS) Aid Station</b>	<b>YES / <u>No</u></b>	There is an aid station at the Poipu fire station.

**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, an estimated completion schedule, and estimated cost for each facility. In this item, the Participant can include measures already completed or in place (new lights, shields, operational changes).**

**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 and a process to determine how and when those measures will be evaluated, selected, and decided (such as a cost-benefit analysis)**

**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 avoidance and minimization (Tables 4 & 5) measures were implemented, and costs associated with implementing these measures have already been incurred.

A biologist will accompany the Security Manager and the engineering department to conduct a lighting audit of the entire property prior to the onset of the seabird fallout season annually. The biologist will follow up with the Resort to ensure that any lighting minimization modifications that the biologist identified have been implemented. The biologist will also check the hotel several times during the season without notifying the Resort to ensure that all measures are in place. The biologist monitors will monitor the fallout season in real time and returns to the Resort if anything shows up in the fallout data that suggests that there may be a problem with the lighting minimization measures.

**Table 5: Lighting Minimization Measures**

List of Buildings	Minimization Measures	Cost to Implement	Responsible Staff	Timeline
Parking lot lights (39)	Lights are full cut-off fixtures; lights are down directed; poles are minimum height (25 feet)	N/A	Engineering	Completed
Signage lights (6)	Lights are downward angled; lights are low to ground (1-2 ft.); lights are low wattage	N/A	Engineering	Completed
Wall-pack lights (332)	Lights are angled down; lights are shielded (either by eaves overhang or retrofit shields)	N/A	Engineering	Completed
Landscaping & grounds lighting ( 18 pagodas and 40 bollard lights)	Most grounds and accents lights directed downward; others shielded by vegetation; grounds lights low to ground.	N/A	Engineering	Completed
Individual guest room interior lights	<p>Avoidance Measures</p> <ol style="list-style-type: none"> <li>1. Encourage guests to switch off unnecessary room lighting. See Appendix D (guest brochure). The hotel also places an awareness poster in the lobby during seabird seasons.</li> <li>2. Encourage guests to cover room windows at night during fallout season</li> </ol> <p>Minimization Measures.</p> <ol style="list-style-type: none"> <li>1. All guest room windows were tinted to reduce amount of light visible from the exterior.</li> </ol>	N/A	Security	Completed

**Table 6: 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.)	The Resort implements this measure. The resort deploys cat traps as needed.	N/A	Grounds department
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.)	The Resort implements this measure. Staff is trained that this is not allowed, and security monitors compliance	N/A	Management staff.
Conduct searches to recover downed birds at the property & turn them into SOS following protocols (see monitoring plan below).	See Item 9 below.	N/A	Engineering, grounds and security staff.
Train staff to follow minimization measures.	See Item 9 below, and Appendix C.	N/A	Management staff.



**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.**

In 2012 the Sheraton Kauai Resort developed a Standard Operating Procedures (SOP) for patrolling, monitoring, documenting and reporting downed seabirds during the fledgling flight season. This document was updated in 2019 (see Appendix E, SOP attachment). The General Manager, or designee, will continue to update the SOP as needed during the KSHCP permit term, to reflect best practices for finding, recovering and documenting any downed seabirds.

**Table 7 - 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	The entire built upon portion of the property is inspected each day, year round. Rooftops are checked by engineering, housekeepers check balconies, and grounds are checked by security and groundskeepers. Groundskeepers also check shrubbery and bushes ( <i>laua'e</i> fern and <i>naupaka</i> ) located around the buildings. All open areas are visually checked by all associates while conducting their respective duties while on the site.	Search as much area as possible
Frequency of searches (# per day or per week)	The Resort is formally searched eight times a day by security, additional Seabird Awareness based searches are made 24/7 by associates.	Twice daily
Time of day of searches	Inspections are conducted throughout the day.	2-3 hours after sunset, and within 3 hours after sunrise
Number of searchers per search area	Two to three individual first responders as well as the entire staff of 200 or more employees	Depends on site conditions and safety considerations
Proposed training	See Items 7 and 9 above, and Appendix C.	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 8: 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.	The beach fronting the Resort is approximately 2008 linear feet long, and is located fronting the luau garden and pool	Beach area surveyed should coincide with visibility from the facility with the lights.
Frequency of searches (# per day or per week)	The beach is searched a minimum of eight times a day by security officers.	Weekly during nesting season (typ. May 15 to end of August)
Number of searchers per search area	Various	Depends on site conditions and safety considerations
Proposed training	Associates and security officers receive T&E Awareness training every year, a section has been added to that module covering the appropriate response to the presence of a sea turtles on the adjacent beach	Searchers should receive annual training conducted by the DLNR or the USFWS, or their designee.

**Table 9: Green Sea Turtle Monitoring Protocols – Part B: Monitoring of Identified Nests & Minimization**

<b>Please provide search protocols to monitor identified nests (from Part A) of the green sea turtle (Attach pages as needed)</b>		
<b>Item</b>	<b>Protocol (fill in protocol &amp; provide reasons)</b>	<b>KSHCP Guideline</b>
Frequency of searches (# per day or per week)	The beach is searched eight times a day. It should be noted that, there has never been a nest recorded on the beach since the hotel has been in operation. Should a nest be discovered the Resort would immediately contact USFWS and follow their standard Hawaii protocols for protecting the nest.	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	Various	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.

The Division of Forestry and Wildlife provided annual Worker Seabird Awareness and Response Training to the appropriate facility staff prior to the start of each seabird fallout season from 2003 to 2017. Worker training will continue under the KSHCP for the duration of the permit term. Seabird Awareness Training will be conducted by a trained biologist in 2019, and in subsequent years, the training will be conducted by the Manager of Security. The fallout season occurs each year from September 15 to December 15. The training includes: regulatory setting, consequences for noncompliance, standard monitoring, response, and reporting procedures, techniques for proper handling of downed seabirds, personal protection, agency contacts and facility locations.

A copy of the PowerPoint training module is attached as Appendix C. See also Standard Operating Procedures (SOP) (Appendix E).

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

The Sheraton Kauai has been doing outreach to staff and guests since 2003, and will continue to do so during the KSHCP permit term. During the seabird fledging season, the Sheraton Kauai will:

1. Display SOS informational posters in break rooms and common staff areas.
2. Put it in our Daily Events Calendar which is our daily hotel newsletter for all Employees.
3. Staff will attend the annual Worker Seabird Awareness Training.
4. Remind staff about seabirds during department Daily Focus meeting (pre-shift meetings) to bring additional awareness.

5. Talk about it in our Monday, Wednesday, and Friday Managers weekly stand up meetings.
6. Invite a qualified biologist to speak at our staff meeting.
7. Display SOS informational posters in the lobby to promote guest awareness.
8. Have an informational flyer put into each room as awareness to for our guest, asking them to keep curtains closed during the season, Appendix D.
9. Show information regarding the seabird fallout season and appropriate protocols that guests should follow on the in-house TV station during the seabird season. The information will show up on the "Splash Page", this is the pane that shows when the TV is first turned on.

## 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 (Section 6.2.2), the tables below show the take estimate calculation for the facility(s) 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, based on a 50% discovery rate and an adjustment based on SOS mortality (birds dead on arrival or those that die in care) – average SOS mortality is 12%.

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 (% of searchable area, search protocols that will be used, any searcher efficiency trials that have been or will be conducted at facilities and/or demonstration of quick, effective recovery of birds). Please include narrative and/or photos and maps to support this.

We have used the numbers generated by the SOS program, and verified through our own database to determine take.

Table 10: Annual Lethal Take Calculations<sup>1</sup>

	Newell's Shearwater	Hawaiian Petrel	Band-rumped Storm-Petrel
1. Annual average number (SOS data – or – monitoring data) of downed NESH (5 most recent years), HAPE or BRSP (15 most recent years)	2.40	-	.07
2. Annual observed lethal take estimate (12% of 1, all downed birds)	0.29	0	0.01
3. Adjustment for unobserved take estimate (e.g. 100% of 1, all downed birds if 50% searcher efficiency assumed)	2.40	0	.07
4. Total estimated annual lethal take from light attraction (2+3)	2.69	0	0.08
Requested Annual Lethal Take	2.69	0	0.08
Requested Take Over Permit Term	81	1	3.00

<sup>1</sup> Title of Table 10 revised per phone call and email from Kate Cullison 4/10/20



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

**Table 11: Newell's Shearwater:**

Age Class	Annual Take Estimate: Fledglings	Annual Take Estimate: Adults or sub-adults	Take Limit for License/Permit Term
Mortality (Lethal)	2.69 <sup>2</sup>	0	81
Injury (Non-lethal)	2.11 <sup>3</sup>	0	64 <sup>4</sup>

**Table 12: Hawaiian Petrel:**

Age Class	Annual Take Estimate: Fledglings	Annual Take Estimate: Adults or sub-adults	Take Limit for License/Permit Term
Mortality (Lethal)	0	0	0/1 <sup>5</sup>
Injury (Non-lethal)	0	0	0/1

<sup>2</sup> This number is the calculated take presented in Line 4 of table 10

<sup>3</sup> This number is calculated using the formula in the KSHCP Section 6.2.2.1 which states "Lethal Take =100% undiscovered birds + 21% of birds that are discovered and turned into SOS" Ergo, non-lethal take is 88% of birds that are discovered and turned Into SOS – see Line 1 of Table 10

<sup>4</sup> This number is a result of multiplying 2.11 by 30 years – the term of the permit (rounded up)

<sup>5</sup> As no birds have been recorded on the property, there are no calculations to make – second number represents requested take

**Table 13: Band-rumped Storm-Petrel:**

Age Class	Annual Take Estimate: Fledglings	Annual Take Estimate: Adults or sub-adults	Take Limit for License/Permit Term
<b>Mortality (Lethal)</b>	0.07 <sup>6</sup>	0	1.2 <sup>7</sup> /3
<b>Injury (Non-lethal)</b>	0.06 <sup>8</sup>	0	1.85 <sup>9</sup> /3 <sup>10</sup>

<sup>6</sup> This number is the calculated take presented in Line 4 of table 10

<sup>7</sup> The first number is the calculated 30 year total of lethal take, the second number is the requested take coverage

<sup>8</sup> This number is This number is calculated using the formula in the KSHCP Section 6.2.2.1 which states “Lethal Take =100% undiscovered birds + 21% of birds that are discovered and turned into SOS” Ergo, non-lethal take is 88% of birds that are discovered and turned Into SOS – see Line 1 of Table 10

<sup>9</sup> This number is calculated by multiplying .06 by 30, the permit term

<sup>10</sup> The second umber represents the requested take over the term of the permit

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.**

Sheraton Kauai Resort 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. The Sheraton Kauai Resort 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 Office at (808) 245-9160 or visit our office at 4272-B Rice Street, Lihu'e HI, 96766. Visit the project website: [www.KauaiKaua'i-seabirdhcp.info](http://www.KauaiKaua'i-seabirdhcp.info). We look forward to working with you toward helping Hawai'i's unique species!

## **1. Appendices**

Appendix A – Tax Map Keys (TMKs) of the Sheraton Kauai Resort

Appendix B – Schematic layout of the Resort

Appendix C – Sheraton Kauai Resort Seabird Awareness and Response Training module

Appendix D – Guest Seabird Conservation Program brochure

Appendix E– Sheraton Kauai Resort – Seabird Standard Operating Procedures and Recovery Protocols

Appendix F – Downed Wildlife Form

## **Appendix A**

### **Sheraton Kauai Resort – Tax Maps**

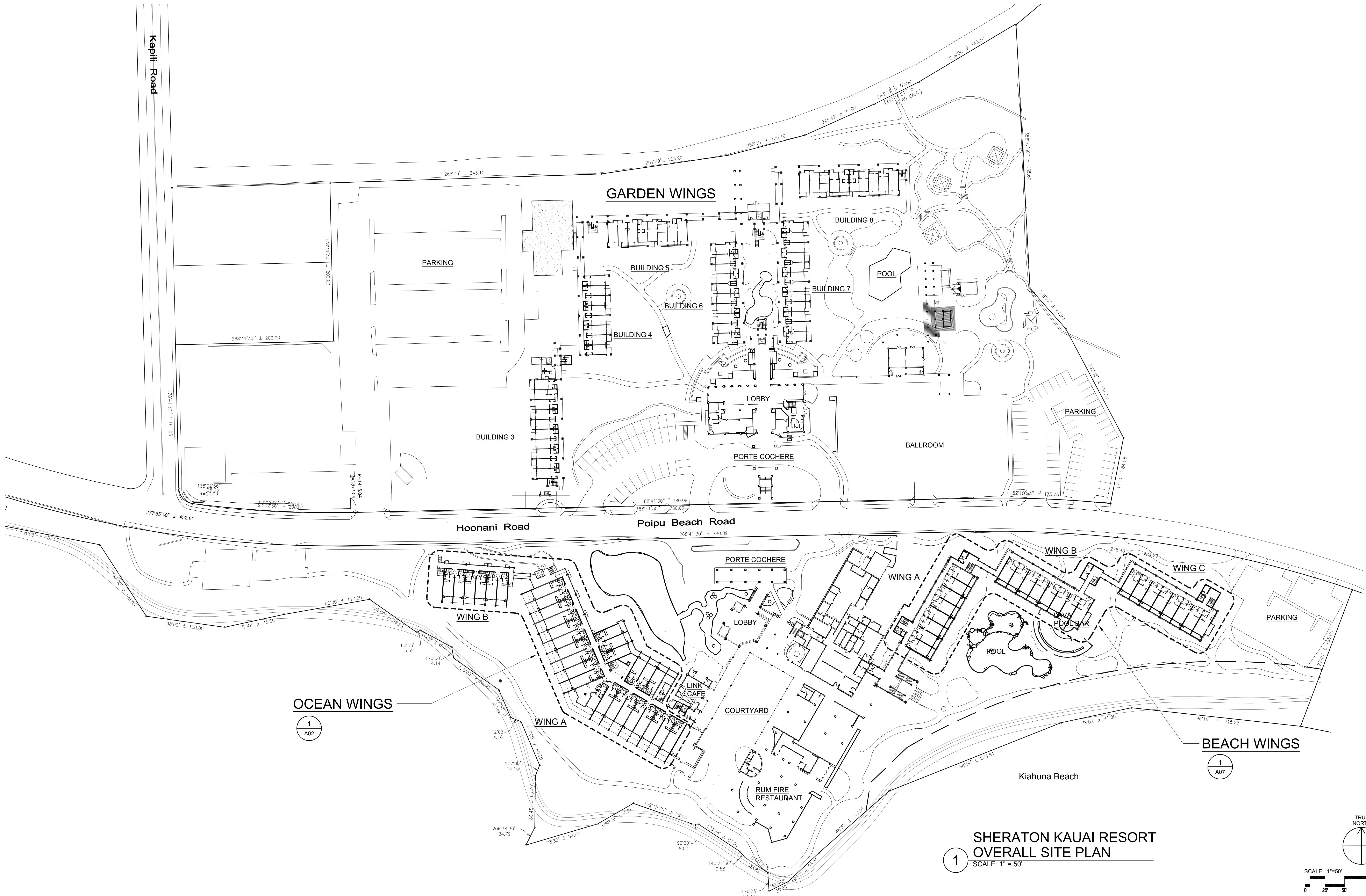


## **Appendix B**

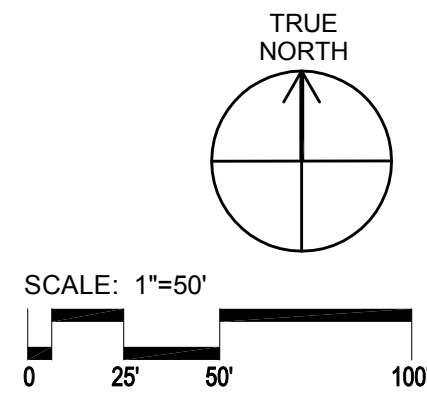
### **Sheraton Kauai Resort – Schematic Layout of the Resort**



USE GRAPHIC SCALE FOR PERMIT SET ON 24" x 36"  
FULL SIZE SHEET IS 30" x 42"



1  
SHERATON KAUAI RESORT  
OVERALL SITE PLAN  
SCALE: 1" = 50'



Architect:

**WCITARCHITECTURE**  
725 Kapiolani Boulevard, Suite C400  
Honolulu, Hawaii 96813  
Ph 808.592.2345  
Fax 808.592.2350

Consultant:

Project:

**vistana**  
**Sheraton Kauai Resort**  
**Ocean & Beach Wing**  
**Units REFRESH**  
2440 Hoonani Road  
Poipu Beach, Koloa, Kauai, Hawaii 96756

Drawing:

OVERALL SITE PLAN

Revisions	
△	△
△	△
△	△
△	△

Phase: BID SET  
Proj Number: 16117  
Date: NOVEMBER 28, 2016  
Sheet: **A-0.01**  
OF SHEETS



## **Appendix C**

### **Sheraton Kauai Resort – Seabird Awareness and Response Training Module**



SHERATON





# Sheraton Kauai Seabird Awareness and Response Training - 2019



# Purpose of Training

- Native seabird species including endangered species may “fallout” on the Resort property on a seasonal basis
- Sheraton Kauai is committed to the protection of these species
- Sheraton Kauai has specific endangered bird protocols in place that all construction personnel must follow
- There are potentially significant legal implications if any of these protocols are not followed

# **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 (Chapter 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**

# Agency and Endangered Species Program Contacts

## Who to Call

### State Department Land & Natural Resources DOFAW

Thomas Kaiakapu: Wildlife Manager: (808) 274-3440

### Sheraton Kauai Resort Program Coordinator

#### In house contact

Joseph Kaneakua: Security Manager Cell (808)346-8795

### **Consulting Biologist**

Reggie David: Cell: (808) 937-0124, email: davidr003@hawaii.rr.com



# Endangered and Threatened Seabird Species



# Seabird Fallout Season Issues

- Night flying seabirds are often attracted to lights
- Fledgling (*keiki*) 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, or simply land on the ground too tired to continue flying





## Seabird Issues cont.

- Once on the ground they cannot take off again and will die from starvation or be killed by predators if not rescued
- If the seabirds are recovered and turned into the Save Our Shearwaters Program (SOS), almost 90% of them can be returned to the wild

# Downed Seabird Response Protocols

- If a downed seabird is found, immediately call your supervisor and the Global Safety and Security in-house number **4067**. Or call Rapid Response by dialing 0 and ask for an Officer on duty.
- Stay with the bird until a Safety and Security officer arrives on the scene, follow their instructions.

## Endangered and Threatened Sea Turtle Species



# Sea Turtle Awareness

- Two protected species of sea turtles, haul out on beaches on Kauai
  - Pacific green sea turtle – threatened
  - Pacific hawksbill sea turtle - endangered
- Both species have nested on the Island

# Finding and Reporting Turtles on the Beach

- All associates that work in areas close to the beach shall:
  - Report any turtle on the beach immediately to:

**Sheraton Kauai Resort Program Coordinator**

**In house contact**

Joseph Kaneakua: Security Manager Cell (808)346-8795

- Security staff will immediately contact:
  - **Thomas Kaiakapu: Wildlife Manager: (808) 274-3440**
- They will follow instructions given them by DOFAW
- If a nest is discovered all lights on palm trees along the walkway will be turned off until the turtles hatch



# Take Home Message

- The harming of listed seabirds 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 a suspension or even termination.
- 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.
- **Non compliance with any of the endangered species rules and protocols may result in immediate disciplinary action**

## *Mahalo*

*Sheraton Kauai thanks you for your attention to and your assistance with this program*

*Sheraton Kauai takes pride in our continued efforts to protect the natural resources on the Island of Kaua'i*

*Protection of these native birds is everyone's responsibility, and is in the common interest of the Island community and future generations*

## *If You Would Like More Information*

- *Other questions? Please see me after the presentation*



## **Appendix D**

### **Guest Seabird Conservation Brochure**

Currently under development

## **Appendix E**

### **Sheraton Kauai Resort – Seabird Standard Operating Procedures and Recovery Protocols**

Between September 1st and December 15<sup>th</sup> the Sheraton Kauai and its associates will participate in the search, recovery of the downed Seabirds (Newell's Shearwater, Hawaiian Petrel, Band-rumped Storm-Petrel and other non-listed seabird species).

#### **Training and Awareness**

Hotel Management will participate in an annual Seabird Awareness and Response training.

Hotel Management will educate our guest by having literature (flyer) in the individual guest rooms and a poster in the lobby area explaining our conservation efforts and the SOS Program and the part that we play in that program to help conserve native seabirds.

The Hotel will educate their employees by putting information in the Daily Focus page. All daily pre-shift meetings will have Seabird Awareness and Response discussions during the seabird fallout season.

Prior to the start of the seabird fallout season, Hotel Management, will conduct a lighting audit of the Resort with a qualified seabird biologist. The objective of that survey will be to identify any lights on Resort grounds that might attract seabirds to our property. Engineering or the grounds department will make the appropriate adjustments to light fixtures as needed, prior to the start of the annual seabird fallout season. Additionally it may be necessary to turn off certain specific lights during the seabird season – a SOP for which lights will be turned off will be developed if needed.

Security officers will keep a log of birds recovered on the property, with all pertinent data. They will also complete filling in the "White Board" on the SOS Aid Station that is attached to the Station with the following information:

Date:

Time:

Location found:

Condition of bird: (Good) (Injured) (Dead)

Type: Newell's Shearwater – Hawaiian Petrel – Storm Petrel, other – (if known)

#### **Monitoring**

Safety & Security officers (2) plus one Supervisor (1) and one duty engineer (1) will make it part of their duties during the Seabird season to be vigilant about searching for down Seabirds during their respective shifts.

Security patrol duties include making two rounds of the property in an 8 hours period (shift). During their patrol during the Seabird Season, officers will make more comprehensive search of the property, and vegetated areas in landscaped areas.

A daily log will be submitted to the Security Manager of any downed birds found, at the end of each shift.

Security officers & engineering personnel will follow the “Bird Recover Procedure” detailed below when necessary.

#### **Bird Recover Procedure:**

Deploy the Seabird Recovery Kit that should contain the following items:

- Latex or nitrile gloves
- Three towels
- Hand Sanitizer
- Flashlight
- Clip Board, pen, “Bird Take Log
- Bird Carrier (Card Board Box) with note as a “Live Animal”

#### **Live Bird Handling and Procedures:**

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 a SOS Aid Station
7. Transfer the bird to the Aid Station
8. Call SOS at 635-5117 or 632-0610
9. Return the seabird rescue kit and pet carrier to security, replace towel and clean cage with bleach, if dirty
10. Complete the Downed Wildlife Form
11. Turn in the completed form to the Security Manager
12. Note in the nightly log where the bird was found, or if found off property

#### **Dead Bird Handling and Procedures:**

1. Place dead seabirds in a two gallon Zip-Loc plastic bag – double bag the bird
2. Write the Date and Property on the outer bag with a permanent Marker
3. Place in a refrigerator
4. Complete the Downed Wildlife Form

**Appendix F**  
**DLNR Downed Wildlife Form**

DOFAW will provide the form that they will required prior to permit issuance