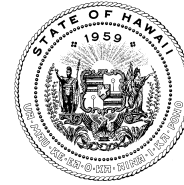




United States Department of the Interior
FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850



State of Hawai'i
DEPARTMENT OF LAND AND
NATURAL RESOURCES
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, Hawai'i 96813

In Reply Refer To:
2022-0038291

May 18, 2022

Mr. Sean M. O'Keefe
Director, Environmental Affairs
Alexander & Baldwin, Inc.
822 Bishop Street
Honolulu, Hawai'i 96813

Subject: Comments on Alexander & Baldwin, Inc. and its Subsidiaries and Affiliates
Implementation of the Kaua'i Seabird Habitat Conservation Plan (Incidental Take
Permit TE74388D-0/Incidental Take License ITL-31)

Dear Mr. O'Keefe:

This letter serves for the Hawai'i Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) and the U.S. Fish and Wildlife Service (Service), collectively referred to herein as the "Resource Agencies", to provide comments and recommendations on Alexander & Baldwin, Inc. and its subsidiaries and affiliates (A&B) implementation of the Kaua'i Seabird Habitat Conservation Plan (KSHCP) (Incidental Take Permit TE74388D-0/Incidental Take License ITL-31). This feedback is compiled from agency review of your 2021 annual report, your February 25, 2022 annual participant meeting, and the March 14, 2022 review by the Hawai'i Endangered Species Recovery Committee. Our comments have been organized by category pursuant to the biological goals and objectives of the KSHCP and are stated below.

Facility Lighting: KSHCP Biological Objective 1.A.

Avoid and minimize the impacts of the taking of Covered Seabirds due to light attraction by removing or turning off lighting and altering light structure and function by the end of Year 1, as specified in PIPs.

As described in your Participant Inclusion Plan (PIP) Item 4: Description of Lighting Standards, A&B conducts pre-seabird season lighting audits by a seabird biologist and necessary adjustments to the lighting are completed prior to the start of the seabird season each year.

The lighting and facilities in 2021 included the following: Pump 3 Irrigation Pumping Facility, Kalāheo Powerhouse, Wainiha powerhouse, Hokulei Shopping Village, Waipouli Town Center,

The Shops at Kukui'ula (TSAK), and A&B's Port Allen commercial properties (five properties grouped together as one "facility" for reporting purposes).

Agency Comments or Recommendations:

A&B has shown their commitment for compliance with the KSHCP lighting guidelines. Prior to 2020 and currently, we recognize you have been working to assess and modify all facility lighting to further reduce the potential impact to the Covered Species. Examples of your commitment are demonstrated at Port Allen and TSAK by temporarily converting the lighting fixtures to full cut-off fixtures by inserting foil linings inside of lamp enclosures to completely cover the bulbs.

Your 2021 Annual report states "...a plan for further modifications at Port Allen and TSAK is being implemented." The report also states, "the need for further modifications is being evaluated." Please describe the future plans and any other modifications that are being evaluated.

Predator Control: KSHCP Biological Objective 1.B.

Minimize mortality of Covered Seabirds downed due to light attraction by implementing actions to reduce presence of free-roaming seabird predators such as cats and dogs at Participant facilities, as specified in PIPs.

We understand that predator control efforts are variable and site specific due to the large number and diverse nature of the covered facilities owned by A&B. The Pump 3 Irrigation Pumping Facility, Kalāheo and Wainiha Powerhouses are remote, unmanned facilities only visited periodically by operations staff. Animal control efforts are initiated only if predators are observed during such visits and there is a potential for light attraction. You have relayed that no lighting was turned on during the 2020 and 2021 season, and no predators were observed; therefore, no trapping was conducted at these three sites.

The remaining properties, Port Allen, Hokulei Shopping Village, Waipouli Town Center, and TSAK contracted out animal control activities. We understand in 2021, you made efforts to reduce the number of predators on the landscape; however, significant interference by cat colony feeders and feral cat advocacy groups interfered with your ability to conduct effective predator control.

Since 2020, and in 2021, A&B has conducted "snapshot" surveys to document the presence of predators on the facilities and around the perimeter of the facilities. These "snapshot" surveys consist of a single-night survey before, middle, and towards the end of the seabird season. You also noted that you have your seabird searchers record any data regarding cats that are observed on their nightly surveys.

Many of the feral cat colonies that were present on adjacent non-A&B properties prior to the 2020 seabird season have been removed. Efforts from that year and continued efforts in 2021 have resulted in overall positive outcomes to reduce the seabird predators on the landscape.

You reported there were moderate to high populations of rodents documented at TSAK, suggesting that improvements to the existing rodent control program may be warranted at this facility. You stated that "...although rodent control is managed by a separate pest control operator, several rats were found in cat traps at the facility during the season."

A&B submitted a revised Implementation Plan to the agencies on February 24, 2022. You intended to complete the revised plan based on guidance provided by DOFAW in July 2021; however, were unable to complete it prior to the start of the season. You notified us that you have already incorporated some of the suggestions into your practices even though not specified in the submitted plan and will formally be updated in advance of the 2022 season.

Agency Comments or Recommendations:

We understand that some facilities still have feral cat colonies on adjacent properties and other facilities that actively remove cat food that is provided by cat feeders. We appreciate your ongoing efforts to address feral cat colonies that affect your covered facilities.

As discussed in our meeting, we had concerns regarding the rodents documented at TSAK. You confirmed that you would be reaching out to the managers at Hokulei Shopping Village, Waipouli Town Center, and TSAK to ensure there is an effective pest control program being implemented and will include this information in your Implementation Plan for these facilities.

We discussed that we would review your Implementation Plan that was provided on February 24, 2021, and will provide our comments for your plan revision in order to be implemented for the 2022 season.

We appreciate that your contractor has conducted "snapshot" surveys at your facilities to provide some information regarding predators that are on the landscape. While this provides a reference point of the predators that are observed on 3 nights before, during, and towards the end of the seabird season, it does not provide a complete dataset that we can use to evaluate the efficacy of your predator control program. An additional survey should be added so that data is collected prior to the start of trapping, and again at the start of the fallout season to demonstrate effective control or reduction of predators prior to fallout with birds on the ground. As we discussed, resource agencies require the needed information to evaluate the efficacy of the predator control program as well as provide any other recommendations for future predator control implementation.

It is imperative that predator control begins in advance of the start of the seabird season. You stated you typically begin a couple weeks before the beginning of the season, however, this year you got to a late start. We recommend this does not occur in future years and also encourage you to begin at least 1 month prior to the season, unless data is provided demonstrating appropriate predator decline in a shorter period of time, to ensure the level of predators has already been effectively managed.

In addition, an effective predator control program ensures that any seabirds that are downed can persist on the landscape in order for searchers to find and retrieve birds. In the absence of a

highly effective predator control program, not all birds that fallout will be able to be recovered and taken to a rehabilitation facility. Instead, it is likely that predators will have taken some birds and therefore, birds may not be observed. Therefore, a highly effective predator control program will result in better implementation of the Biological Objectives of the KSHCP.

Staff Training: Biological Objective 1.C.

Minimize mortality of Covered Seabirds downed due to light attraction by conducting annual Worker Seabird Awareness and Response Training (WSART), as specified in PIPs.

PowerPoint presentations were made to educate staff members and contractors across all properties on the requirements of the HCP and on protocols related to searching, seabird biology and predator control. For the most part, these were developed and initiated by a contractor (HT Harvey Associates); however, an additional training session was provided to the Port Allen search team by Dr. Andre Raine.

Agency Comments or Recommendations:

It appears that the training provided by HT Harvey Associates for all sites have resulted in good training materials for seabird searches. We encourage any additional training such as those provided by Dr. Raine at any other facilities that may benefit to improve searcher efforts. We also recommend continued evaluation of effectiveness of searcher efforts.

Outreach: Biological Objective 1.D.

Minimize mortality of Covered Seabirds downed due to light attraction by implementing seabird awareness outreach to the public, guests, and customers at Participant facilities as specified in PIPs.

A&B developed and distributed printed outreach materials, including a tenant outreach letter and a tri-fold brochure to further educate tenants, employees, and visitors on the project at all facilities. Additionally, signs prohibiting the presence of loose predators and the feeding of predators were posted at all facilities.

Agency Comments or Recommendations:

While we recognize that A&B cannot control members of the public to comply with the conditions of the ITP/ITL under the KSHCP, it was documented during the Searcher Efficiency Trials that some of the decoys were stolen. The reports, however, documented that one of the only decoys at the facility were reported "...incidentally by a member of the HT Harvey search crew that generally searches the (HDOT) airport." This is not a facility that HT Harvey regularly searches as part of the A&B contract but was found by a member of the public that is already knowledgeable about the SET program and the requirements of the KSHCP. It is indicative that better outreach may be beneficial at least at this location.

Recovery of Downed Seabirds / Searcher Efficiency Trials:

Biological Objective 1.F.

Minimize mortality by implementing recovery and release of Covered Seabirds downed due to light attraction through the Save Our Shearwaters (SOS) program or other certified rehabilitation facility.

Due to the large number (seven) and diverse nature of the covered facilities owned by A&B, searching effort was variable based on facility types. The remote and unmanned that are visited only periodically for operational maintenance purposes (Pump 3 Irrigation Pumping Facility, Kalaheo Powerhouse, and Wainiha powerhouse operated by McBryde Resources, Inc.) are only searched when they are visited (none in 2020 and 2021 during the seabird season). The seabird searches at Port Allen Commercial properties were conducted by a science education non-profit twice nightly every night in accordance with the guidance provided in the KSHCP. At the Hokulei Shopping Village, Waipouli Town Center, and TSAK the seabird searches were conducted by the shopping center security personnel.

Table 1. Summary of A&B Total and Annual Permitted Take of Covered Species.

	NESH		HAPE		BANP	
	Lethal	Non-lethal	Lethal	Non-lethal	Lethal	Non-lethal
30-Year Permit Term	104	80	3	3	1	1
2020	1.12	0.88	0	0	0	0
2021	2.24	1.76	0	0	0	0
Total Take	3.36	2.64	0	0	0	0

Searcher Efficiency Trials:

Pursuant to KSHCP 6.2.2.1(3), a discovery rate validation program was developed and implemented October 27–December 15, within the 2021 seabird fallout season. The Searcher Efficiency Trials were meant to demonstrate the appropriateness of each Participant’s stated Discovery Rate. Discovery Rates are based on two variables; searcher efficiency at finding downed birds, and effective predator control to ensure that birds remain alive to be found.

Table 2. Results of the Searcher Efficiency Trial at A&B Facilities.

Port Allen Properties	Deployed	Discovery rate	
	#	#	%
Open	11	10	91%
Partial Cover	5	3	60%
Full Cover	5	0	0%
Total	21	13	62%

The Shops at Kukui‘ula	Deployed	Discovery rate	
	#	#	%
Open	9	9	100%
Partial Cover	3	1	33%
Full Cover	6	1	17%
Total	18	11	61%

Hokulei Shopping Village	Deployed	Discovery rate	
	#	#	%
Open	8	1	13%
Partial Cover	4	0	0%
Full Cover	4	0	0%
Total	16	1	6%

Waipouli Town Center	Deployed	Discovery rate	
	#	#	%
Open	9	6	67%
Partial Cover	5	2	40%
Full Cover	1	0	0%
Total	15	8	53%

Agency Comments or Recommendations:

We request that in the future for each fallout bird that was sent to Save Our Shearwaters (SOS), please report the intake date, release date, SOS summary of treatment, and release condition.

In 2021, A&B has demonstrated the most effective search efforts at Port Allen. One Newell’s shearwater was found alive having tried to hide under both a boat trailer and a mowing rig. This example demonstrates that the searchers at this facility are aware of the need to search covered and obscured spaces.

The Seabird Searcher Efficiency Trial that was conducted October 27 – December 15 documented variable results. At Port Allen, the discovered decoys were reported rapidly and resulted in one of the best discovery rates out of all participants and facilities of the study. No decoys, however, were reported in full cover. While the searchers performed better for this study and found a live bird (not part of the study) we recognize that efforts can always be improved and recommend continued efforts.

At Hokulei Shopping Village, there only one decoy was reported, and it was found not by A&B searchers, but by a visiting HT Harvey staff member. You have acknowledged that intervention is needed to determine and rectify why none of the decoys were discovered by A&B staff at any point. We recommend improvements in seabird searching and response at Hokulei. Per our meeting with you on February 25, 2022, you have begun discussions with the science education non-profit that are currently doing searches at Port Allen, in hopes they might be able to take on seabird searches as Hokulei. You have also stated your intention to hire dedicated searchers at other shopping center facilities in addition to keeping the security guard staff trained. Please keep us informed on proposed changes to improve search results at Hokulei and the other shopping center facilities.

As identified in the Searcher Efficiency Trial Results, many decoys were missed undercover, therefore we recommend improved efforts to search for downed seabirds under cover at all A&B sites. Searchers should be reminded to check under edges and into and under vegetation. We advise keeping potentially concealing vegetation and groundcover trimmed as much as possible through the seabird season to reduce the amount of available cover and help searchers detect more birds.

We appreciate the level of detail that you have provided in your 2021 annual report. We also want to commend you on the efforts you have enacted thus far and applaud your ongoing environmental stewardship through the implementation phase of your permit. We look forward to continuing to work with you to ensure the success of the KSHCP. Please reach out to us should you have any questions regarding our letter.

Sincerely,

**AARON
NADIG** Digitally signed
by AARON NADIG
Date: 2022.05.18
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Lainie Berry

Island Team Manager
O'ahu, Kaua'i, Northwestern Hawaiian
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Wildlife Program Manager