



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
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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:
2022-0042873

July 6, 2022

Mr. Larry Quier
Chief Strategy Officer
c/o Mr. Fred Cowell
Kaua'i Coffee Company, LLC
P.O. BOX 530
Kalāheo, Hawai'i 96741

Subject: Comments on Kaua'i Coffee Company, LLC's Implementation of the Kaua'i Seabird Habitat Conservation Plan (Incidental Take Permit TE74389D-0/Incidental Take License ITL-25)

Dear Mr. Quier:

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 Kaua'i Coffee Company, LLC's (Kaua'i Coffee) implementation of the Kaua'i Seabird Habitat Conservation Plan (KSHCP) (Incidental Take Permit TE74389D-0/Incidental Take License ITL-25). This feedback is compiled from agency review of your 2021 annual report, your March 2, 2022 annual participant meeting, and the March 14, 2022 review by the Hawai'i Endangered Species Recovery Committee (ESRC). 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 6: Kaua'i Coffee's "...outdoor lighting has been modified to face downward. Shielding is installed where applicable..." and "...night harvest operations will be delayed until 4 hours after sunset for three days either side of the October and November new moon."

Your annual report states that no new lighting changes were implemented in 2021.

Agency Comments or Recommendations:

As reported by the DOFAW contractor conducting the searcher efficiency validation trial, some of the lights in the factory area placed high up on the mill itself are still old-style unshielded streetlights which are angled higher than horizontal and are visible over a mile away. We acknowledge you have responded quickly to those suggestions by the DOFAW contractor by turning these lights off for the duration of the 2021 seabird season. If these lights remain necessary, we recommend changing those lights to only illuminate what is necessary and, or, enclosing more of the upper mill structure around those lights. We also recommend changing more of the wall mounted area floodlights to be motion-activated. You stated that you would be changing the lights at the delivery dock before the next seabird season. We recommend you continue to assess your lighting before and during the seabird season each year in efforts to implement further minimization measures to meet the biological goals and objectives of the KSHCP.

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 was conducted for the duration of the seabird season by deploying three traps, with 17 cats caught during that time. Additional predator control was done March 1–March 12 and again from June 9–June 18 with two traps. Seven cats and six pigs were caught during that time.

You have also stated at the ESRC meeting that you plan to begin surveying as well as trapping early with an increase in effort immediately prior to the seabird season rather than right at the start of the season.

Agency Comments or Recommendations:

We have not yet received your predator control and downed seabird search implementation plan for your facility, including effort and efficacy monitoring in fulfillment of ITP Special Terms and Conditions §L and ITL Special Conditions §G of the ITP/ITL. Please provide this to us as soon as possible for our review and comments.

You have stated that you began trapping and surveying early in the year (March and June (2 traps)) and the duration of the seabird season (September (2nd half); and October, November, and December (1st half) with 3 traps)). You noted that predators were less common than in the prior year. Your annual report stated that you caught seven cats and six pigs during March 1–12 and June 9–18; and 17 cats were caught during the seabird season (7 in September; 4 in October; 4 in November; and 2 in December). However, at the ESRC meeting you reported 8 cats caught in

September. We recommend you update the annual report to reflect the correct number of predators caught. You also stated that there were 2 predators in September (1 inside the control zone being fed by an outside security contractor, and 1 outside). You stated that you have addressed the staff and crew that were feeding cats in 2021. In the future we recommend you ensure all personnel, staff, contractors, and visitors understand your obligations of the terms and conditions of your ITP/ITL.

While we recognize that predator control efforts earlier in the year are beneficial in removing predators prior to the seabird season it is not apparent that control efforts were targeted at the appropriate times to reduce the presence when the covered species would most be impacted. We recommend doing intensified regular predator control in the month prior, unless results can demonstrate an appropriate predator decline, ensuring that the level of predators has already been effectively managed. Predator surveys and trapping must be active and consistent throughout the seabird season. This will then ensure that any seabirds that are downed can persist on the landscape 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. Thus, a highly effective predator control program will result in better implementation of the Biological Objectives of the KSHCP.

We recommend that you collect daily predator monitoring data to inform the density of predators on the landscape in addition to the results of the outcomes of your predator control program so that we can evaluate the efficacy of your program. The daily monitoring data should be collected prior to the start and through the end of the predator trapping implementation. The monitoring data should reflect a decrease of predators from the start of predator control implementation to the beginning of the fallout season to demonstrate effective control or reduction of predators prior to fallout with birds on the ground. As we discussed, please provide this with your annual report in the future as this information is needed for us to evaluate the efficacy of the predator control program as well as provide any other recommendations for future predator control implementation.

We understand that you likely have ingress of cats from the residential or camp housing that is near your facility. We acknowledge your continued efforts to remain committed to the biological goals and 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.

All individuals who participated in searches were provided training on seabird awareness, the seabird monitoring protocol, downed seabird response protocol, and KSHCP reporting

procedures. One PowerPoint presentation was made to three production supervisor staff and another twenty-one were educated through an educational handout. The in-person PowerPoint training was conducted on September 3, 2021, and the education hand-outs were provided from September 2–November 1, 2021. Training included a review of the fact sheet, KSHCP Downed Wildlife Protocol and Incident Documentation and Reporting Form.

You have stated that your harvester operators are instructed to watch for birds circling their lights and if they see a circling bird, they turn their lights off for 5 to 10 minutes to allow the bird to fly away.

In the ESRC meeting you mentioned that you would be reaching out to seabird experts, and indicated you would be contacting Marc Travers, to talk to you a little more about seabird behavior and certain signs to look for when trying to search for downed birds.

Agency Comments or Recommendations:

Please provide any training materials that you will provide to your staff for our review and comment. We recommend having in-person on-the-ground training for all personnel responsible for conducting monitoring for downed seabirds to implement the terms and conditions of your ITP/ITL more effectively. We recognize and appreciate your efforts to contact seabird experts to work to improve your training efforts and hope that these efforts are continued often and timely to help you meet the biological goals of the KSHCP program.

As commented in the ESRC meeting in 2021, staff members that have other primary work duties typically only opportunistically report that they have observed a seabird rather than actively search for birds. Searching for downed seabirds require the searcher to actively look for birds under small crevices, equipment, vegetation, and other areas that birds may shelter in. This requires these seabird searchers to search at appropriate times as outlined in the KSHCP (Section 5.3.4.1 Recovery of Downed Seabirds) as well as getting down on their hands and knees with a flashlight to look for birds. It is an extensive effort that staff members may not have time to conduct given that they have other primary duties during their work schedule. Therefore, we recommend you use dedicated seabird searches to meet this objective.

As noted above staff and contractors were feeding cats in 2021, but you state that this has been addressed. We also recommend these be provided prior to the seabird season so staff, outside contractors, and all personnel that will be regularly on site at the facility during the seabird season.

Additionally, the results of the searcher efficiency trials indicate that your current training program is insufficient. We recommend you coordinate with the agencies for onsite training to show the searchers where birds are likely to hide and how to best detect them. We also recommend that you periodically test your personnel who are conducting the monitoring to ensure they are effectively implementing the protocols as outlined in your training program.

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.

Printed outreach material included posters, leaflets, and a coloring activity books that was distributed to visitors to the site. A poster was put on the information board in the main office by the breakroom and the digital presentation is saved in the central web portal for the employees to access anytime. Along with this, a seabird presentation is rotated through our digital information screens at random intervals.

Agency Comments or Recommendations:

We recognize that you continue to think of ways (e.g. posters, leaflets, and coloring book) to increase your outreach efforts. We appreciate your continued efforts to meet the goals and objectives of the KSHCP.

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.

You stated that searching was conducted throughout the seabird season by your harvest crew (10-12 people) in the orchard, where staff was present in this area 24 hours a day. Implementation of the dedicated search routine documentation was done during the seabird fallout season in the factory area where 1-2 people searched the factory area for downed seabirds from 5:00am to 9:00am and again from 7:00pm to 9:00pm. Your PIP however, states that your "...factory perimeter search will be conducted at 10:00pm and 5:30am." And the "...harvest field search will be conducted at 5:30am, and the skies will be continually monitored for seabirds by all personnel throughout the night shift." You have also indicated that you have had significant challenges with staffing in 2021. However, you mentioned there would be changes coming up and that instead of 2 seabird searchers you would be having everyone (approximately 15 staff) spend 15 minutes to conduct searches on their down time from regular work duties. We recommend that if you cannot implement the terms and conditions of your ITP/ITL you notify the resource agencies to discuss solutions.

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	34	27	0	0	0	0
2020	0	0	0	0	0	0
2021	0	0	0	0	0	0
Total Take	0	0	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 the Kaua’i Coffee Factory Area.

Kaua’i Coffee Factory Area	Total Number of Decoys Deployed	Total Number of Decoys Reported	Searcher Success Rate (Percent)
Open	10	2	20
Partial Cover	3	0	0
Full Cover	7	0	0
Total	20	2	10

Agency Comments or Recommendations:

The searcher efficacy at the factory area was among the lowest of all KSHCP participants. No decoys were reported by the first search, but if the second search had been conducted at 5:30am as stated in your PIP, rather than after sunrise, they might have been detected in the open.

Although you have stated that the dedicated search routine was done during the seabird fallout season in the factory area from 5:00am to 9:00am and again from 7:00pm to 9:00pm, and your PIP, states that your searches “...will be conducted at 10:00pm and 5:30am...” and the “...harvest field search will be conducted at 5:30am, with skies...continually monitored

throughout the night shift.” The DOFAW contractor stated that he was informed that searches around the factory area were taking place between 7:30pm to 9:00pm and 7:30am to 9:00am. He noted that you mentioned this was a convenient time as it was when the employee shift change occurred. We are concerned with the unapproved changes in the morning search times. We emailed you on November 18, 2022, to seek clarification and advised you that any changes to the information in the PIP should be reported to the agencies and approved before implementation at your facility. We asked that you confirm the searches were being conducted as outlined in your PIP. You responded on November 29, 2022, that your harvesting searches are ongoing as operations continue during harvesting season, along with proximity searches prior to sunrise (6:00am–9:00am). Along with this, your factory searches were being conducted twice daily, between the hours of 5:00am and 9:00am and 7:00pm and 10:00pm. We recommend you conduct searches according the KSHCP guidelines as outlined in section 5.3.4.1 (Recovery of Downed Seabirds). The first search should occur 3–4 hours after sunset to catch the initial pulse of fledglings that may have been brought down by lights as they make their way from burrow to ocean. A second search within one hour before dawn will have the highest chance of locating birds that have fledged throughout the night or at the second fledging peak a few hours before daybreak. As dawn starts, bird will crawl into constrained and dark places to hide and are much less likely to be discovered.

Also, as reported by the searcher efficiency trials, your facility was documented to have “...piles of equipment, pallets, and tall vegetation abundant in the search area, (that) any live bird that landed would not have to go far to find a fully covered place to shelter where it would be exceedingly difficult for searchers to find it.” In the ESRC meeting you stated you were finding ways to clean that area up and possibly thinking of elevating the equipment to minimize places where birds could potentially hide. We recommend you continually assess ways to achieve this goal and appreciate your efforts to address this. It will be beneficial for your search staff as well as for better detectability of downed seabirds.

Your overall discovery rate was 10 percent (2 of 20 decoys deployed). This rate excludes 1 decoy in the open that was only noticed after daybreak (less than 30 min before sunrise). The behavior of these species is to always seek cover before it gets light so no live bird would still be out in such an open location by the time this was found. The fact that decoys were still present in the open after daybreak was a technical limitation of this study and does not reflect realistic seabird behavior. Therefore, we recommend you reevaluate your search protocols and implement them for the 2022 seabird season.

In addition, the only decoys that were discovered were the decoys that were placed in the open; no decoys in cover were reported. You have indicated that you will work to reduce areas where downed birds could hide. We, however, still recommend improved efforts to search for downed seabirds under cover at your facility. Searchers should be reminded to check under edges and into and under vegetation, as well as all structures or objects. We advise keeping potentially concealing vegetation and groundcover trimmed as well as enclosing all extra supplies that may serve as hiding spots for birds, as much as possible through the seabird season to reduce the amount of available cover and help searchers detect more birds.

We recommend improvements in seabird searching and response at your facility. Please keep us informed well in advance of the seabird fledgling season of any adaptive management actions that you plan to implement in order to meet the expected 50 percent discovery rate. The resource agencies request coordination with you to improve searcher training prior to the 2022 season, and that you work with a 3rd party entity to repeat the searcher efficiency trial.

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
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Digitally signed
by AARON
NADIG
Date: 2022.07.06
11:00:49 -10'00'

Lainie Berry

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