



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
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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:
2022-0061178

July 11, 2022

Mr. Ruggero Massetti
Director of Operations
SOF - XI Kaua'i PV Hotel, LP dba 1 Hotel Hanalei Bay
Formerly: dba Princeville Resort Kaua'i
5520 Ka Haku Road
Princeville, Hawai'i, 96722

Subject: Comments on SOF - XI Kaua'i PV Hotel, LP dba 1 Hotel Hanalei Bay's
Implementation of the Kaua'i Seabird Habitat Conservation Plan (Incidental Take
Permit TE74392D-0 / Incidental Take License ITL-28)

Dear Mr. Massetti:

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 SOF - XI Kaua'i PV Hotel, LP dba 1 Hotel Hanalei Bay's (formerly: SOF - XI Kaua'i PV Hotel, LP dba Princeville Resort Kaua'i) Implementation of the Kaua'i Seabird Habitat Conservation Plan (Incidental Take Permit TE74392D-0 / Incidental Take License ITL-28).

Your 2021 annual report states that the property owned by SOF-XI Kauai PV Hotel, LP also experienced a name change from Princeville Resort to 1 Hotel Hanalei Bay, and the facility owner and permit holder (SOF-XI Kauai PV Hotel, LP) remain unchanged. We appreciate the notification and have noted this in our administrative files.

Our feedback is compiled from agency review of your 2021 annual report, your February 28, 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 Item 5 of your PIP, the 1 Hotel Hanalei Bay is under renovation and is anticipated to reopen in 2022. The resort was closed on April 1, 2020, and construction began on August 1, 2020. You also stated that construction takes place during weekday daylight hours, typically 7:00am to 3:00pm; and no nighttime construction is proposed or warranted. Security personnel are on site from dawn (6:00am) to 9:00pm, seven days a week.

In addition, you state that due to COVID-19, there was significantly less lighting in 2021 than described in 1 Hotel Hanalei Bay's PIP because the resort was closed to guests. Your consultant stated in the ESRC meeting that the resort was completely dark. Your annual report states that most outdoor lights were deactivated. During the fledging season, the approved limited lighting included 50 percent of the parking lot lights and safety lighting at the loading bay, guard shack, and along the public beach access walkway. All outdoor lighting was angled downward, shielded, and fully cutoff.

Agency Comments or Recommendations:

Your consultant has alternately stated that the resort is completely dark after 9:00pm nightly, but also that lights such as the parking lot are at 50 percent. Please confirm the nighttime lighting, such as for security and safety, that is in use until the hotel reopens. Please also include evening or nighttime photos of those lights. The fully black photos in your annual report were not able to be evaluated.

We recommend you also provide an updated lighting inventory as a result of the construction once it has been completed. Please provide the results of the lighting audit and final lighting that will be implemented during the honu (sea turtle) and seabird fledgling season.

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.

You reported that predator searches were conducted daily by a contractor who moved 10 traps around the property as best served to catch predators. The commercial pest control service systematically monitored for predator presence immediately prior to and throughout the fallout season. Trapping occurred for 91 days throughout the seabird fall out season by a contractor resulting in the removal of nine cats from the property. Workers on-site helped the predator control company to better implement trapping by informing them of when and where predators were sighted. There are signs within the resort prohibiting outdoor feeding of cats.

Agency Comments or Recommendations:

You stated that workers that were on-site helped the predator control company to better implement trapping efforts. Please provide how this information is communicated. We recommend that predator survey data collection should be conducted by a dedicated person so that efforts are consistent and documented effectively.

The agencies do not concur with your statement that no adjustments are required or proposed for 1 Hotel Hanalei Bay's on-site animal control efforts. The summary you provided does not include any survey results or capture data. Predator control summaries should include dates and results of predator surveys, and dates of trap locations and captures. As we discussed, 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. Please amend your report to include this information. We also recommend you conduct daily seabird predator monitoring for inclusion in your annual reporting in the future.

As you know, it is important that predator control begins in advance of the start of the seabird season; you confirmed that trapping only occurred during the 3-month season September 15-December 15, not before. For predator control to effectively minimize loss of downed seabirds, predators must be removed prior to September 15 to minimize predation of seabirds downed during the fallout season, with maintenance trapping continuing throughout the season. Also, as mentioned above your daily predator monitoring data should be collected prior to the start and through the end of the predator trapping implementation to demonstrate the efficacy of your predator control implementation.

As discussed in your meeting with the agencies and by the ESRC, the discovery rate for any permit is dependent on both effective seabird searching and effective predator control. An effective predator control program ensures that any seabirds that are downed can persist on the landscape for searchers to find and retrieve birds for rehabilitation. In the absence of a highly effective predator control program, it is more likely that birds will be depredated rather than recovered. Therefore, a highly effective predator control program will result in better implementation of the Biological Objectives of the KSHCP.

You have submitted a predator control and downed seabird search interim implementation plan in effect during construction for predator monitoring and removal for the covered facility, including effort and efficacy monitoring in fulfillment of ITP Special Terms and Conditions §L and ITL Special Conditions §G of the ITP/ITL to the agencies on May 26, 2021. As you stated in our agency meeting, you would be providing an addendum to update this implementation plan when the resort has completed its construction work. We look forward to reviewing it when it becomes available.

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.

The KSHCP summary report states that a training was conducted in the form of a single PowerPoint presentation to four workers during the 2021 fledging season. Workers are provided a hard-hat sticker, which they must wear daily to indicate that they've completed the seabird training.

Agency Comments or Recommendations:

Your 2020 PIP included a “Princeville Resort Kaua‘i Seabird Awareness Training Program” and an “Advance Downed Seabird Training” PowerPoint Presentation. Please confirm which presentation was used for the four workers who conducted the training in 2021. Your annual report states that there are approximately 100–150 construction workers and three resort staff that have been trained to look for downed birds throughout their work shifts. Please clarify if additional staff received WSART and which training PowerPoint was used, or if another form of training was conducted. Please provide the dates of your WSART efforts.

In addition, while your PowerPoint materials show photos of birds resting on land, we recommend you also provide photos of downed birds hidden under cover (e.g. vegetation, crevices, supplies, valet carts, etc.) that will help to quickly replicate a search image for seabird searchers to identify, rather than photos of birds that are flying over the ocean. Having actual photos representative of what trained searchers might encounter is more effective than providing birds flying or rafting in their oceanic habitat.

We did not see any honu training provided in your PowerPoint presentations. Please update this to include honu. We recommend the honu specific training be provided immediately prior to the honu nesting season (prior to May 1) and your downed seabird training prior to the seabird fallout season (prior to September 15) to keep personnel reminded of when each season begins. We recommend that it is targeted so personnel do not become complacent in their efforts. Your “Advance Downed Seabird Training” PowerPoint Presentation *Workshop Topics* Section mentions the use of cameras. Please clarify how this is used and methods that will assist in your downed seabird response.

Your method of training delivery (e.g., video, in-person, educational materials) states you provided PowerPoint presentations; however, we are unable to determine if these were in person and on the ground demonstrations or only presentations via a computer screen. Please describe this better for future annual reporting. We also recommend having in person training with on the ground training for all personnel responsible for conducting monitoring for honu and for downed seabirds to implement the monitoring and reporting procedures as required more effectively by the terms and conditions of the ITP/ITL.

As discussed, we expect you to 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.

Please provide the updated training presentations for our review when it becomes available. Please also coordinate with the agencies to develop hands-on training for your seabird searchers or honu nesting activity monitoring.

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.

1 Hotel Hanalei Bay did not conduct guest outreach activities as described in its PIP because there were no guests at the resort during the fledging season.

Agency Comments or Recommendations:

Please submit updated outreach materials prior to opening for guests for agency review.

Minimization and Avoidance of Light Attraction for Turtles: Biological Objective 1.E.

Avoid and minimize honu hatchling disorientation due to lighting at beachfront facilities by implementing best lighting practices as specified in PIPs and protecting any nests at facilities via shielding as needed.

As stated in the Section 9.2 of the KSHCP, “It is anticipated that Participants with beach front properties can completely avoid future incidental take of honu. Currently there is no provision for requested incidental take of honu in proposed Participant PIPs, and the minimization and mitigation measures outlined in Section 9.4 will be implemented as described to ensure that there is zero take of the species.” Unlike the Covered Seabirds, which are attracted to lighting that is visible from above, honu are attracted to lighting that is visible from below. Because of this, lighting that is visible from the ground can unintentionally attract honu from their nesting beaches. Your 2021 annual report does not mention if any honu searches were conducted.

Agency Comments or Recommendations:

Your report states that there was lighting along the public beach access walkway. Please clarify if any of those lights are visible from the beach. We note that the honu nesting is typically May 15 through December 15 each year. This is not the same as the seabird fledgling season, which is September 15 through December 15. This year the first detected honu nesting occurred in early May 2022. Therefore, your honu nest monitoring must begin no later than May 15, with notification and protection of any discovered nests, and preparation for minimizing lighting at your resort in advance of when the hatchlings are anticipated to emerge. The average incubation time for turtles in Hawai‘i is 66 days; therefore, it is possible that hatchlings may emerge after the hotel reopens, from a nest that was laid at least 2 months prior.

As required by the KSHCP (Section 9.5), “there is not anticipated to be any incidental take of honu requested..., as monitoring and nest protection measures described in Section 9.5 will be implemented by all Participants with visible lights on beachfront property. However, if honu hatchling disorientation does occur, the following protocols should be followed:

- The Department of Aquatic Resources (DAR) should be contacted immediately so the hatchling turtles are only handled by staff or volunteers permitted to handle endangered species.
- Disoriented hatchlings should be protected from foot or vehicle traffic, predation, and handling.

All Participant staff should be trained on Standard Operating Procedures (SOPs) with regard to hatchling disorientation, to minimize take impacts.”

The KSHCP states “...all sea turtle (honu) activity should be reported immediately to USFWS and DLNR and all potential nest sites shall be protected immediately using measures specified ...” It is also stated in the KSHCP that “...evidence of hatching shall be reported to USFWS and DLNR within 24 hours.” To report all honu activity, please immediately call to the Kaua‘i Hotline, staffed by DLNR and NOAA 24/7: 808-651-7668. Also send an email with the pertinent information to:

Jamie Thomson, NOAA: jamie.thomton@noaa.gov

Mimi Olry, DLNR: mimi.olry@hawaii.gov

Heather Ylitalo-Ward, DLNR: heather.a.ylitalo-ward@hawaii.gov

Once the response staff have been notified via hotline and email, send a detailed report to the following:

DOFAW downed wildlife email: dofaw.hcp@hawaii.gov

Kate Cullison, DOFAW: Katherine.cullison@hawaii.gov

Jiny Kim, Service: Jiny_kim@fws.gov

Lindsay Young, Prime Contractor: lindsay@pacificrimconservation.org

Honu are attracted to and disoriented by lighting that is visible from their nesting beach. Therefore, we recommend you immediately conduct a lighting assessment specific to honu to identify lighting that can be further minimized to avoid unauthorized take of turtles should you find a nest. Also, because of an increase of sea turtles nesting activity in the main Hawaiian Islands it is reasonable to expect a nest on many of the beaches that have not previously had honu nests. We recommend you be vigilant in conducting nest monitoring.

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.

Your annual report states that the contractor retained four security personnel that were experienced in conducting seabird searches. The security personnel conduct searches twice daily: early morning before dawn (6:00–7:00am) and after sundown (7:00–9:00pm). However, you also state that security staff cannot conduct nighttime searches during renovation as it is unsafe for staff to walk through the unlit construction site. You report that there are signs within the resort

directing staff to report fallen seabirds to security. The assistant director of engineering is responsible for overseeing the seabird protocols, bird searches and recovery, record keeping, and reporting during construction. You state that your search protocols will be revisited for the 2022 seabird season based on the status of construction.

Table 1. Summary of 1 Hotel Hanalei Total and Annual Permitted Take of Covered Species.

	NESH		HAPE		BANP	
	Lethal	Non-lethal	Lethal	Non-lethal	Lethal	Non-lethal
30-Year Permit Term	125	476	6	6	1	1
2020	0	0	0	0	0	0
2021	0	0	0	0	0	0
Total	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 for various KSHCP Participants from October 27–December 15, within the 2021 seabird fallout season. The Searcher Efficiency Trials (SET) was meant to demonstrate the appropriateness of each Participant’s stated Discovery Rate. Discovery Rates are based on two participant-controlled variables; searcher efficiency at finding downed birds, and effective predator control to ensure that birds remain alive to be found. Because your resort was under construction the SET was not conducted in 2021.

Agency Comments or Recommendations:

While you state the unlit construction area was unsafe to search, you previously noted many lights that remain including parking lot lights and safety lighting at the loading bay, guard shack, and along the public beach access walkway. Please clarify the timing of searches for those areas.

Based on the SET results of various Participants, we recommend that in anticipation of the 2022 seabird season, you implement training and methods of searching requires with a dedicated approach. As discussed in our meeting with you, we recommend having dedicated searcher efforts rather than efforts that are currently described in your PIP (e.g. all associates, security staff, etc.). Staff that are performing other resort duties have other dedicated obligations as part of their employment; therefore, we have strong concerns that seabird searching will be non-efficient. We also recommend you conduct regular evaluations to demonstrate the effectiveness of your dedicated searcher efforts.

We recommend that all personnel that are conducting downed seabird searches thoroughly check under cover, in locations that birds typically hide. Searchers should be trained to check under edges and into and under vegetation, cars, various structures, equipment, etc. 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. The agencies look forward to receiving your updated search protocols when construction is completed.

As noted by the ESRC, the use of detector dogs would greatly improve the resort's searcher efficiency and provide a higher level of confidence that downed seabirds are being recovered for rehabilitation. While dogs are significantly more likely to find hidden birds than humans, there is nevertheless variation in skill, therefore, if a dog program is utilized, we request you ask for a validation result for each dog and handler team.

We appreciate your continued efforts to ensure the success of the KSHCP. If you have concerns being unable to fully implement the terms and conditions of your ITP/ITL please reach out to us to schedule a meeting to discuss the next steps. Please feel free to contact us should you have any questions regarding our letter.

Sincerely,

**AARON
NADIG**

Island Team Manager

O'ahu, Kaua'i, Northwestern Hawaiian
Islands, and American Samoa

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Wildlife Program Manager