



March 30, 2023

VIA E-MAIL ([dofaw.hcp@hawaii.gov](mailto:dofaw.hcp@hawaii.gov))

David G. Smith  
Administrator  
Division of Forestry and Wildlife  
Department of Land and Natural Resources  
1150 Punchbowl Street, Room 325  
Honolulu, HI 96813

Re: **Agenda Item 3: Searcher Efficiency Validation  
March 31, 2023 Endangered Species Recovery Committee Meeting,  
Kauai Seabird Habitat Conservation Plan Annual Review**

Dear Mr. Smith and Committee Members,

I submit this testimony on behalf of my client, Sonesta Royal Kauai Resort (“Sonesta”), a property formerly known as the “Kaua’i Marriott Resort, Lihue.”<sup>1</sup> Sonesta Royal Kauai Resort is one of the properties subject to the 2022 Report on Seabird Searcher Efficiency Trials for the Kauai Seabird Habitat Conservation Plan (the “Report”) submitted by Johnathan Shepherd and Dilek Sahin, which is Agenda Item 3 for your March 31, 2023 meeting. Sonesta notes the seriousness of the Report’s findings, and intends to provide a response as soon as possible. However, because Sonesta’s seabird biologist, Reginald David, is presently unavailable due to a medical emergency, Sonesta is not in a position to respond at this time.

In the interim, Sonesta notes that the boundaries of the search area shown in Figure 5 of the report are incorrect. If boundaries are corrected, some of the decoy locations would be outside the resort in areas that are not covered by Sonesta’s searchers.

Sonesta’s annual report of its activities under the Kauai Seabird Habitat Conservation Plan in 2022 documents the many changes that were made to Sonesta’s downed bird search protocols. We look forward to presenting these to you at a

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<sup>1</sup> Incidental Take License ITL-24 and Incidental Take Permit TE74393D-0 cover the Sonesta Royal Kauai Resort property and are held by Essex House Condominium Corporation dba Kauai Marriott Resort, Lihue. A transfer application is pending before the agencies, and if effectuated, would transfer the license and permit to Association of Apartment Owners of Marriott’s Kauai Resort and Beach Club on behalf of itself and its members, including without limitation HPTMI Hawaii, Inc., HPT TRS MRP, Inc., Marriott Kauai Ownership Resorts, Inc., and Marriott Ownership Resorts, Inc., or its successor.

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subsequent meeting for further discussion. While these changes resulted in better success in finding decoys in 2022 as compared to 2021, Sonesta remains committed to further improvements in the months ahead.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

A handwritten signature in black ink, appearing to read "Lisa A. Bail". The signature is fluid and cursive, with a large initial "L" and "A".

Lisa A. Bail

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