

State of Hawai‘i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai‘i 96813

April 28, 2023

Endangered Species Recovery Committee

Agenda Item 4: Request for Comments and Recommendations for the FY 2022 Hōkūala Habitat Conservation Plan Annual Report

BACKGROUND:

In 2012, the U.S. Fish and Wildlife Service (USFWS) and the Hawaii Department of Land and Natural Resources (DLNR)/Division of Forestry and Wildlife (DOFAW) approved the Habitat Conservation Plan (HCP) prepared by Kauai Lagoons LLC and issued to Kauai Lagoons an Incidental Take Permit (ITP) and Incidental Take License (ITL), respectively. The effective date of those incidental take authorizations was April 12, 2012, for the ITL and November 9, 2012, for the ITP. On January 1, 2016, the former Marriott Vacation Resort known as Kauai Lagoons was transferred to Tower Kauai Lagoons LLC and renamed Hōkūala Resort. The USFWS transferred the ITP to the new owner in December 2016. The ITL is transferred to the new owner automatically as the ITL runs with the land.

AGENCIES RECOMMENDATIONS & REQUESTS:

The following agency recommendations were related to the following topics:

A. Staff Training

In accordance with the HCP, all resort personnel will be required to attend a seabird awareness training session in preparation for the downed seabird season. In agreement with the HCP, all Department of Safety and Security personnel will be required to attend not only the seabird awareness training program but also an SOS seabird handling workshop.

FY 2022 Report: a total of 53 classes were held, from which 263 employees were trained.

Recommendations:

- Provide training modules, dates of training, and a log of personnel for each type of training
- Provide a copy of the updated training modules and the specific number of construction personnel that were trained during the FY 2022 reporting period.
- Include of more information indicating the extent to which both construction and resort personnel report situations of concern to the construction and biological monitors.

- Golf ball strikes are one of the major causes of take currently at the facility. Provide more details on what additional training due Golf course Starters and Marshals receive. Identify who is responsible for the daily morning briefings to inform golf course staff of the Covered species presence.

B. Outreach

FY 2022 Report: Fifty-one (51) bird and nature tours were led by biologists during FY 2022, from which 235 guests and local residents participated.

Recommendations:

- Agencies requested a more detailed description of the nature tours provided (e.g., identify areas visited and how often tours are done) and identification of the protocols that are followed (e.g., distance maintained from listed waterbirds).
- Provide a draft copy of the brochures and additional material for guests currently under development for agencies to review.
- Per Section 4.2.2.5 of the HCP, Golf course Starters (who must clear every golfer before they proceed onto the course) are required to inform every golfer about the potential presence of the Covered Species on the course, about the fact that the Covered Species are protected by the ESA and Chapter 195D, about the need to take all appropriate precautions to avoid causing harm to any Covered Species, and about the local rule applicable to play in areas where the Covered Species are nesting. Hōkūāla has an educational kiosk at the starter location that includes a large color photograph of the Covered Species, which the starter shall use as part of the educational briefing for all golfers. Due to golf ball strikes being one of the major causes of take, we recommend that Hōkūāla coordinates with the agencies for the evaluation and improvement of their current outreach program targeted to golfers.

C. Signage (i.e., speed limits, parking areas, food disposal sites, and Nēnē and other Covered Species caution signs)

FY 2022 Report

Signage delineating the posted 14 MPH is currently erected at the property.

During construction activities, contractors shall provide appropriate trash receptacles with lids and recycle containers at construction sites within the Project area, and ensure that food scraps, beverage containers, and trash are properly disposed of.

During one of the upcoming subsequent phases of construction on the property, a new entrance to the Resort will be built. At the entrance, a large monument sign will be set up welcoming guests and owners to a Wildlife Conservation Area.

A total of 38 endangered species signs were used at the property during the 2021-2022 reporting period, some of which are semi-permanent and others temporary. These include seventeen (17) yellow metal 2x2 Nēnē crossing signs, twelve (12) white Nēnē slow down

signs, three (3) plastic sandwich board caution slow down, and four (4) metal “Do Not Feed Nēnē” signs. Signs are moved to different locations as needed. Additionally, there are two (2) endangered species informational displays posted in areas that are accessed by guests and golfers using the facilities.

Recommendations:

- Identify the location of the new entrance, and provide more information regarding the timing of the new proposed entrance and the “Wildlife Conservation Area.”
- Due to the increase in vehicle strikes, consider decreasing the speed limit as a new avoidance and minimization measure.
- Increase the number of warning and precautionary signs that are deployed and incorporate in those signs pictures of the other Covered waterbird species, including the Hawaiian Coot, Hawaiian Gallinule, Hawaiian Stilt, and Hawaiian Duck.

D. Speed Bumps

Recommendations:

- There are five (5) speed bumps on the roadways within the Resort. Agencies recommend the installation of more speed bumps across the facility to ensure compliance with the speed limit, especially in areas where vehicle strikes of the Covered Species are noticeable and frequent.

E. Lighting

In June of 2018, the new Timbers Kauai Ocean Club & Residences complex was finished and opened. During the project’s design phase, Hōkūala consulted with the electrical and lighting engineers and designers to ensure that the lighting associated with the facilities was Dark Sky Compliant and seabird friendly. Before the opening of the new facility, the biologist conducted a nighttime audit of the property and identified a small number of lights that could be improved; those improvements and modifications were completed prior to the seabird fallout season.

During the FY 2021 Annual Review meeting, the Hōkūala representative indicated that light audits and/or inspections are conducted annually at the property.

Recommendations:

- Describe the improvements and modifications that were completed at the property (i.e., which lights, what the modifications were, the locations within the property) resulting from the biologist’s nighttime audit of lighting prior to opening the Timbers Kauai Ocean Club & Residences complex
- Clarify if a light audit was conducted during FY 2022. If a light audit were conducted, agencies would like to confirm if any improvements or modifications were completed during FY 2022.
- DOFAW staff requests coordination for a light audit inspection of the facility during FY 2023.

F. Predator Control

FY 2022 Report:

During FY 2022, up to twenty-six (26) live traps on the property were deployed throughout the year and were placed in areas in response to sightings of mammalian predators (Note: All traps are checked daily). Intense cat trapping started at the beginning of the nesting season, and a total of forty-two (42) cats were removed. However, even though in FY 2021 Hōkūāla deployed more traps, only eight-teen (18) cats were removed, which means an increase of twenty-four (24) cats caught during FY 2022. From agency conversations with the consultant, an increase in the number of abandoned cats at or nearby the property seems to be the primary cause. In addition, there is the challenge of the current site being unfenced and a public county road that runs through the property providing access to the general public. On page 23 of the draft annual report, it is indicated that “no mammalian predation events were recorded on the property.”

Recommendations:

- Thirty-seven (37) fewer live traps than in FY 2021 (Total = 63 live traps). Explain the decision of why the number of live traps deployed was decreased, given the increase in nearby abandoned cats. Also clarify the number of traps; “up to” 26 traps is too vague.
- As requested in the FY 2021 annual review regarding the “no mammalian predation events recorded”, please clarify if searches or monitoring are conducted, or if this is based solely on Nene nest monitoring.
- Due to the increase in trapped predators (especially cats) and the decrease in nest activity by other covered waterbird species at the site, we recommend that predator surveys or daily predator monitoring to be implemented in order to evaluate the efficiency of the predator control program by comparing it the capture/trapping data

G. Monitoring

Recommendations:

- Identify the frequency of construction monitoring and provide the results of the monitoring (e.g., date, time, the number of each listed species observed; if listed species occurred in the area, identify their activity).
- Indicate when a second full-time biological monitor will be hired to ensure full-time monitoring of the construction projects that will be in progress this coming season.

H. Take Reporting

Recommendations:

Table 1 from the draft FY 2022 report summarizes the take of Covered Species caused by operational activities from July 2021 to June 30, 2022. The table is inaccurate and needs to be updated to reflect the following correct information. This includes as well requests to update the associated incident reports.

Date	Common Name	Outcome Dead or Alive	Indirect Take	Corrections
7/20/2021	Hawaiian Gallinule	Vehicle Hit (Dead)	-	The incident report and photos confirmed that it was a juvenile. Therefore, indirect take wouldn't be assigned to this incident.
8/12/2021	Hawaiian Coot	Vehicle Hit (Dead)	0.45	No correction is needed.
8/30/2021	Hawaiian Coot	Golf Ball (Dead)	Juvenile	The incident report indicates this is an adult, but as seen in the photos attached to the report and corroboration from DOFAW staff confirmed this was juvenile. Agencies recommended updating the report and resending it to the agencies.
8/31/2021	Hawaiian Gallinule	Vehicle Hit (Dead)	Juvenile	No correction is needed
9/2/2021	Hawaiian Coot	Golf Ball (Dead)	-	The report said that the probable cause of injury/death was hard to determine due to the lack of markings. But, in an email from DOFAW-Kaua'i staff, it was suggested that the cause of death was a golf ball strike due to it being found between the 16th and 17th holes. Recommend updating the report to add this information (and refer to the email) and resending the report to the agencies.
9/7/2021	Hawaiian Coot	Golf Ball (Dead)	-	The photos in the incident report are that of a Hawaiian coot, but the report stated it was a gallinule. Please correct the report and resend it to the agencies.
9/9/2021	Hawaiian Coot	Golf Ball (Dead)	-	No correction is needed.
10/14/2021	Hawaiian Coot	Golf car hit (Dead)	-	No correction is needed.
10/27/2021	Newell's Shearwater	Light attraction (Live)	-	No correction is needed.
11/14/2021	Hawaiian Coot	Golf ball (Dead)	-	The report said that the probable cause of injuries was inconclusive. Please add information indicating the incident is due to a golf ball strike and provide the reasoning for

				this determination. Then resend the updated report to the agencies.
11/15/2021	Hawaiian Gallinule	Golf Ball (Dead)	-	The report said that the probable cause of injuries was inconclusive. Please add information indicating the incident is due to a golf ball strike and provide the reasoning for this determination. Then resend the updated report to the agencies.
12/22/2021	Hawaiian Coot	Golf Ball (Dead)	-	No correction is needed.
1/12/2022	Hawaiian Coot	Golf Ball (Dead)	-	Incident reported but not included in Table 1 of the annual report.
2/7/2022	Hawaiian Goose	Pellet Gun Shot (Alive)	-	See details below (*).
3/15/2022	Hawaiian Coot	Vehicle Hit (Dead)	0.45	No correction is needed
3/24/2022	Hawaiian Gallinule	Vehicle Hit (Dead)	0.65	No correction is needed
3/29/2022	Hawaiian Coot	Golf Ball (Dead)	0.45	No correction is needed
4/18/2022	Hawaiian Gallinule	Golf Ball (Dead)	0.65	The incident report indicated that the cause of death wasn't determined, but here it says the cause of death is due to a golf ball strike. Update the report to indicate the cause of death and the reason supporting this determination. Then resend the updated report to the agencies.

- *On February 7, 2022, an injured female Hawaiian Goose was found at the Hokuala Golf Course and reported by the on-site biological monitor to DOFAW-Kaua'i staff. It was then transported to the Save Our Shearwaters (SOS) rehabilitation center and released later that same day. According to the SOS 2022 database, the likely cause of the injury was a shot by a pellet gun. This incident was never notified or reported to DOFAW-HCP or USFWS staff. Consequently, agencies highly recommend and request that the current on-site biological monitors notify HCP staff of any future incidents when directing email correspondences to the primary consultant.
- Table 2 of the FY 2022 report, provides an overview of the cumulative direct and indirect take. However, due to the noticed discrepancy in take reporting, agencies will be revising their databases and all of the incidental reports to confirm the actual cumulative take numbers for all covered species.

References:

Alan Silva and Rana Biological Consulting, Inc. 2022. Draft Hōkūala Habitat Conservation Plan
Annual Report: July 1, 2021 – June 30, 2022. Prepared for: Tower Kauai Lagoons, LLC

Ebin, Moser + Skaggs LLP, and Rana Biological Consulting, Inc. 2009. Kaua‘i Lagoons Habitat
Conservation Plan. Prepared for: Kauai Lagoons, LLC & Mori Golf (Kauai), LLC