

Hōkūala Habitat Conservation Plan Annual Report July 1, 2023 – June 30, 2024 (FY 2024)



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February 7, 2025

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AECOS No. 1813C

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Bird Codes

Common Name	Scientific name	Bird Code
Hawaiian Goose (Nēnē)	<i>Branta sandvicensis</i>	HAGO
Common (Hawaiian) Gallinule	<i>Gallinula galeata sandvicensis</i>	COGA
Hawaiian Coot	<i>Fulica alai</i>	HACO
Hawaiian Duck	<i>Anas wyvilliana</i>	HADU
Black-necked (Hawaiian) Stilt	<i>Himantopus mexicanus knudseni</i>	BNST
Newell's Shearwater	<i>Puffinus newelli</i>	NEST
Hawaiian Petrel	<i>Pterodroma sandwichensis</i>	HAPE
Band-rumped Storm-Petrel	<i>Oceanodroma castro</i>	BANP
Pacific Golden-Plover	<i>Pluvialis fulva</i>	PAGP
Black-crowned Night Heron	<i>Nycticorax nycticorax hoactli</i>	BCNH
Western Cattle-Egret	<i>Ardea ibis</i>	CAEG
Hawaiian Short-Eared Owl (Pueo)	<i>Asio flammeus sandwichensis</i>	SEOW
American Widgeon	<i>Mareca americana</i>	AMWI

Outline of the Document

In the first section of this report, we present updates on compliance with all the terms and conditions included in the HCP (Ebbin, Moser + Skaggs LLP and Rana Biological Consulting, Inc., 2009). This first section includes the specific reference to each topic in the HCP for clarity. In the second section, we present detailed information and data associated with each of the topics addressed in the first section of the document.

Section 1

Introduction and Background

In 2012, the U.S. Fish and Wildlife Service (USFWS) and Hawai'i 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 Kauai Lagoons an Incidental Take Permit (ITP) and Incidental Take License (ITL). 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. USFWS transferred the ITP to the new owner in December 2016. The ITL transferred to the new owner automatically as the ITL runs with the land.

Section 4.5 of the HCP requires the permit holder to produce and submit an annual HCP compliance and monitoring report to both agencies by September 30 of each year. Per a DOFAW request, annual reports will be submitted by August 1 of each year and cover the period from July 1 to the following June 30.

HCP Sections and Specific Obligations

One-Time Obligations

Nēnē Mitigation Payment (HCP Section 4.4.1.6)

Requirement: A one-time payment of \$85,000 to the DLNR Endangered Species Trust Fund. DLNR is to use these funds to control predators and/or manage Nēnē at a translocation site.

Status: Completed (May 2012)

Ongoing Obligations

Financial Assurances (Section 6.4)

Requirement: Post a bond or letter of credit (LoC) in the amount of \$153,667. This amount should be adjusted every five years (from 2017) for inflation. Under Section 7.2 of the HCP Implementing Agreement, the bond term must be two

years, and a Continuation Certificate must be sent to DLNR (and a copy to USFWS) at least six months prior to expiration of the bond or LoC.

Status: The current bond was issued May 30, 2024, for a term from July 1, 2024, through July 1, 2025. Attachment A is a copy of the invoice for this bond. Tower Lagoons Land, LLC has committed to including a line item for HCP implementation in its annual operating budget for the life of the HCP. The bond will be adjusted in FY 2026 and every five years thereafter to account for inflation.

Training (“Endangered Species Awareness Program”) (Section 4.2.1.1)

Requirement: All new employees hired by the resort operators and any contractors conducting construction activity on the property must go through the training program as detailed in the HCP.

Status: In compliance. Attachment B contains the updated training module used for FY 2024. Alan Silva trained all new employees prior to their starting at the resort. A refresher training class is also given to most employees each year.

Construction Contract Provisions (Section 4.2.1.2)

Requirement: Develop provisions and restrictions to avoid and minimize take of Covered Species and insert these Contract Provisions into all new construction contracts.

Status: In compliance. Construction occurred on four sites during the 2023 – 2024 season. All construction contracts contained provisions and restrictions to avoid and minimize take of Covered Species.

Pre-Construction Surveys (Section 4.2.1.3)

Requirement: A biological monitor must survey any new mass grading areas immediately prior to mass grading.

Status: In compliance. Utility work on Lots 1 and 1A (single family housing) began in May 2024 and continues to the present time. The on-site biological monitors surveyed these construction sites immediately prior to utility work as part of the routine monitoring efforts and data collected are presented in Section 2.

Biological Monitor (Section 4.2.1.4)

Requirement: Designate two biological monitors.

Status: The designated biological monitors are Alan Silva, Diana Butler, and Susan Burr.

Construction Monitor (Section 4.2.1.5)

Requirement: Use one or more construction monitors during periods of active grading or earth moving.

Status: In compliance. Alan Silva and Diane Butler are the designated on-property monitors. The biological monitors monitored active construction sites on the property during the 2023 – 2024 season as part of the routine monitoring efforts and data collected are presented in Section 2.

Fencing (Section 4.2.1.6)

Requirement: Where feasible, erect and maintain solid fencing around discrete construction areas, to prevent Covered Species from traveling into these areas.

Status: In compliance. Fencing surrounded the Ninini Townhouses and tennis and pickleball courts during construction. Fencing was erected in June 2024 for Lot 1 and 1A construction.

Best Management Practices (Section 4.2.1.7)

Requirement: Implement the specific BMPs contained in Section 4.2.1.7 (e.g., speed limits, signage, trash receptacles).

Status: In compliance.

Roadways (Section 4.2.2.1)

Requirement: Post permanent speed limit and Covered Species warning signs, and speed bumps, as necessary.

Status: In compliance.

Lighting (Section 4.2.2.2)

Requirement: Ensure that lighting associated with construction of new structures is bird friendly; as new buildings near completion, a qualified biologist is to inspect lighting after dark to ensure light attraction has been minimized to the maximum extent practicable; analyze onsite seabird fallout monitoring data

on an ongoing basis to determine if particular areas within the resort attract downed birds on a regular basis, and if so then take steps to redesign, reconfigure, or eliminate sources of presumed attracting light.

Status: In compliance.

In October 2018, the new Timbers Kauai Ocean Club & Residences complex was finished and opened (cover image, and Figure 1). During the design phase of the project, a seabird biologist consulted with the electrical and lighting engineers and designers to ensure that lighting associated with the facilities was fully Dark Sky Compliant and as bird friendly as possible. Thus, prior to seabird fallout season, the biological monitor sends a notice of the upcoming season to facility managers that all outdoor lights should be programmed to dim during seabird fallout season. Prior to the opening of the new facility in October 2018, the biologist conducted a night-time audit of the property, which identified a small number of lights that could be improved (e.g., angled more downward). Those improvements and/or modifications were completed prior to the 2018 seabird fallout season.



Figure 1. Timbers Kauaʻi Ocean Club & Residences.

Attachment C includes the outdoor lighting plan for Ninini Point-Lāola Nani Townhomes (12 units on two pads) on Lot 700. The plans provided are for

Building D; the lighting plan is the same for Building E. Construction on Building D was completed August 29, 2023. Construction on Building E was completed October 18, 2023.

Each time an incident involving a downed seabird occurs, the onsite biological monitor conducts an investigation to determine the cause of the incident. The monitor returns to the site at the time of the incident (often on the following day) to evaluate the lighting as a potential cause and photographs the site. The incident report includes these photographs. Required lighting changes, if any, are implemented immediately.

Save Our Shearwaters (SOS) conducted a lighting audit of Hōkūala in FY 2024 and necessary changes were implemented prior to the 2024 seabird fallout season. SOS identified the following lights at Hōkūala as potential hazards during seabird fallout season: tree lights at Kalanipuʻu, lights at the guard house (including streetlights and building lights), streetlights, and streetlights along Alaoli Way. Hōkūala made the following changes before FY 2024 seabird fallout season in direct response to the audit: tree lights at Kalanipuʻu were turned off, the streetlight at the guard house was turned off, and lights along Alaoli Way were turned off. Building lights on the guard house were not changed because they are shielded down and are needed for safety reasons and streetlights other than along Alaoli Way remained on to facilitate pedestrian safety.

On April 1, 2024, Eric Cucchi, Senior Project Manager, met with Molly Bache of SOS to expand on the working relationship between Hōkūala and SOS. Hōkūala management regularly seeks to solidify their relationships and partnerships with local entities and the resource agencies to meet incidental take requirements in the HCP for minimization, mitigation, monitoring, and to achieve a net recovery benefit for the Covered Species. In FY 2024, Hōkūala and SOS began working towards preparing a memorandum of agreement to better facilitate the transfer and care of injured and dead birds. The memorandum of agreement is currently being reviewed by SOS.

Grounds Management and Maintenance (Section 4.2.2.3)

Requirement: Grounds management crews must go through the training described in Section 4.2.1.1 and must coordinate with the biological monitors as needed.

Status: In compliance. All employees have received training and have communicated effectively and proactively with the biological monitors over potential issues with endangered avian species.

Rules, Education for Resort Owners and Renters (Section 4.2.2.4)

Requirement: Covenants, Conditions, and Restrictions (CC&Rs) will address issues such as trash receptacles, trash disposal, landscape design, etc. Endangered species information and education tools will be developed to educate owners and visitors regarding endangered species issues, restrictions, and special seasonal protocols.

Status: In compliance. In FY 2022, the biological monitor started leading bird and farm tours on the resort for guests and visitors. A brochure and checklist are given to tour participants regarding the birds and organic farm (Attachment D). This brochure and checklist will be revised in the future to reflect a unified outreach and property brand and message.

Golf Operations (Section 4.2.2.5)

Requirement: Golf course starters and marshals must attend training from the Biological Monitors in addition to the standard training as described in 4.2.1.1. Morning briefings for golf course personnel will include updates on Covered Species presence. The starter will inform each golfer about the potential presence of Covered Species and appropriate precautions to take. An educational kiosk will be established at the starter location and all golf carts will contain a placard replicating information from the kiosk. Warning signs will be posted if a Covered Species establishes a nest within the golf course and the golf course will establish a local rule for golf play to allow movement of a ball away from nest areas.

Status: In compliance. The Biological Monitor provides a refresher endangered species training course to the golf course starter each year. The Biological Monitor provides updates on the presence of Covered Species to golf course personnel (manager on duty for golf operations, superintendent, and starter) every day. The manager on duty for golf operations, superintendent, and starter are responsible for daily morning briefings to inform all golf course staff of the presence of Covered Species. An educational kiosk (sign) was posted at the starter location in 2014, and each golf cart contains a placard that replicates that information. Every golf cart has a Pace Technology GPS system (<https://ezgo.txtsv.com/fleet/why-e-z-go/pace-technology>) installed that maps locations of current nests of Covered Species (and other pertinent information). The GPS system flashes a “warning” sign if the cart approaches a nest, slows the golf cart to 5 mph or less when it is near a Covered Species, and stops the cart from proceeding on a route that would approach a Covered Species (See Attachment E for more information about Pace Technology). The Biological Monitor provides

information on Covered Species to the Club House as soon as the data are gathered, and Club House staff program the GPS system.

Maintenance of On-Site Nesting Areas (Section 4.4.1.2)

Requirement: Previously enhanced nesting areas shall not be maintained, and supplemental grain feeders shall not be provided on lagoon islands; limited areas of the resort grounds will be managed and maintained as determined and directed by DOFAW and USFWS.

Status: In compliance.

Emergency Response Protocol (Section 4.4.1.4)

Requirement: Implement the protocol contained in HCP, Appendix I.

Status: In compliance. The emergency response protocol will be updated in FY 2025 to reflect personnel changes.

Facilitate DOFAW removal of Nēnē (Section 4.4.1.5)

Requirement: As appropriate, lend support to DOFAW efforts to capture and translocate Nēnē.

Status: In compliance. DOFAW's Nēnē capture and translocation efforts ended on March 20, 2016. Hōkūala continues to provide regular access and golf carts to DOFAW staff for their use in DOFAW's Nēnē and waterbird surveys. See Section 2 regarding the initiation of the US. Department of Agriculture–Wildlife Services (USDA-WS) Nēnē hazing efforts, which utilizes border collies. The USDA-WS hazing effort started on June 24, 2019, and has continued.

Predator Control (Section 4.4.2)

Requirement: Deploy ten live traps during the period September 15 to March 15 in areas of the property frequented by waterbird Covered Species. Check live traps every 48 hours and deliver trapped cats to Kaua'i Humane Society. Deploy rodent bait stations in these same areas during this same time frame and control Western Cattle-Egret and feral chickens.

Status: Hōkūala surpassed the permit requirements during this reporting period. Predator control at Hōkūala is a year-round effort. The flexible program shifts resources in response to the presence, density, and "trapability" of predators throughout the resort. Hōkūala maintains 29 chicken traps, 16 cat/mongoose

traps, two pig traps, 15 pig snares, three bullfrog traps, two tadpole traps, and two dog traps. The predator control program relies on directed trapping—traps are deployed in specific locations and at specific times of the year in response to observations of predators. All traps are checked daily. Known predators of juvenile Hawaiian waterbirds include Black-crowned Night Heron, Western Cattle-Egret, American bullfrog, and tucunaré.

A total of 1,678 chickens, 26 cats, three pigs, six bullfrogs, 67 bullfrog tadpoles, and one dog were removed from the property this reporting period. A more detailed description is provided in Section 2.

Seabird Mitigation Payments (Section 4.4.3; HCP Amendment of September 2013)

Requirement: Contribute \$10,000 annually to the Listed Hawaiian Seabird Conservation Account administered by the National Fish and Wildlife Foundation.

Status: A check in the amount of \$10,000 was sent to National Fish and Wildlife Foundation on August 25, 2023, to cover the FY 2024.

Nēnē Monitoring During Nesting Season (Section 4.5.3)

Requirement: Biological monitors to monitor Nēnē nesting activity and nesting success daily starting September 15 and ending on March 31 each year. Monitoring data to be collected includes band numbers, pair bonds, nest location, eggs laid, eggs hatched, goslings fledged, and reported mortalities. In addition, perform monthly monitoring during the remainder of the year (April through August), recording the number of Nēnē on the property and observed band numbers.

Status: In compliance; refer to Section 2. Nēnē monitoring is done year-round on a daily basis.

Waterbird Monitoring (Section 4.5.4)

Requirement: As part of the comprehensive Nēnē monitoring effort, the biological monitors will also record information on all observed waterbird species on a weekly basis between September 15 and March 31 each year, and monthly from April through August each year. This effort is to include observations regarding waterbird species numbers, nest locations, eggs laid, eggs hatched, chicks fledged, and reported mortalities.

Status: In compliance; refer to Section 2. Waterbird monitoring is done year-round on a bi-weekly basis.

Seabird Monitoring (Section 4.5.5)

Requirement: Hōkūala security staff will record all downed seabirds recovered on the property. Biological monitors will evaluate security staff search efficiency and carcass removal rates. Biological monitors will record results of their additional searches performed during the expected peak of the seabird fallout season.

Status: The searcher efficiency and carcass removal rates of the two on-site biological monitors were evaluated in 2021 and the biologists were determined to be proficient. Another efficiency check of the on-site biological monitors will occur prior to the FY 2026 seabird fallout season.

Both security personnel and the onsite biological monitors were re-trained in seabird search and handling techniques prior to the start of the 2023 fallout season. Security personnel conducted searches on an ongoing basis as part of their usual patrols of the grounds and buildings. The biological staff searched the buildings and perimeters surrounding the buildings every morning, starting at 6:00 am, for downed seabirds during the annual fallout season from September 15 to December 15.

Incidental Take Reporting

Based on a review of records, and discussions with Hōkūala, USFWS and DOWFAW have prepared a spreadsheet documenting all reported instances of downed, injured, or dead birds at Kauai Lagoons/Hōkūala since the inception of the HCP. Table 1 is a summary of the information contained in the spreadsheet for birds considered to be incidental take during FY 2024.

Table 1. Take and cause of take (FY 2024).

<i>Date</i>	<i>Common Name</i>	<i>Cause (Dead or Alive)</i>	<i>Indirect Take</i>
09/14/23	Hawaiian Gallinule	Vehicle collision (Dead)	0
10/11/23	Hawaiian Coot	Likely golf ball strike (Dead)	0
10/15/23	Newell’s Shearwater	Downed (Alive)	Juvenile 0
10/17/23	Newell’s Shearwater	Downed (Alive)	Juvenile 0
11/13/23	Nēnē (oEZRσ)	Vehicle collision (Dead)	1
01/16/24	Nēnē (Unbanded)	Likely golf ball strike (Dead)	Juvenile 0
02/06/24	Hawaiian Coot	Likely golf ball strike (Dead)	0

Between July 1, 2023, and June 30, 2024, Hōkūala experienced the direct incidental take of seven birds: two Nēnē, two Hawaiian Coot, one Hawaiian Gallinule, and two Newell’s Shearwater (see Table 1). Two birds were hit and killed by a vehicle, three birds were killed by having been hit by a golf ball, and two seabirds were downed on property during fall-out season. Out of the seven birds, three were juveniles.

Indirect take is defined as the loss of parental care due to parent mortality during the breeding season resulting in the additional take calculated as the probability that if the adult had not been killed a potential nest would have produced the number of adults indicated. From the effective date of the state and federal take authorizations through June 30, 2024, total direct and indirect incidental take under the HCP is presented in Table 2. Table 3 provides the permitted take approved in the ITP and ITL.

Table 2. Direct and indirect take from permit inception through June 30, 2024.

<i>Species</i>	<i>Scientific Name</i>	<i>Direct Take</i>	<i>Indirect Take</i>
Hawaiian Goose (Nēnē)	<i>Branta sandvicensis</i>	8	1
Common (Hawaiian) Gallinule	<i>Gallinula galeata sandvicensis</i>	32	0
Hawaiian Coot	<i>Fulica alai</i>	36	0
Hawaiian Duck	<i>Anas wyvilliana</i>	6	1,225
Black-necked (Hawaiian) Stilt	<i>Himantopus mexicanus knudseni</i>	0	0
Newell’s Shearwater	<i>Puffinus newelli</i>	10	0
Hawaiian Petrel	<i>Pterodroma sandwichensis</i>	0	0
Band-rumped Storm-Petrel	<i>Oceanodroma castro</i>	0	0

Table 3. Permitted take approved in ITP and ITL issued in 2012.

<i>Species</i>		<i>Mortality</i>	<i>Non-Lethal</i>
Hawaiian Goose (Nēnē)	<i>Branta sandvicensis</i>	17	Or Non-Lethal
Common (Hawaiian) Gallinule	<i>Gallinula galeata sandvicensis</i>	40	30
Hawaiian Coot	<i>Fulica alai</i>	110	180
Hawaiian Duck	<i>Anas wyvilliana</i>	36	Or Non-Lethal
Black-necked (Hawaiian) Stilt	<i>Himantopus mexicanus knudseni</i>	38	Or Non-Lethal
Newell’s Shearwater	<i>Puffinus newelli</i>	27	Or Non-Lethal
Hawaiian Petrel	<i>Pterodroma sandwichensis</i>	1	Or Non-Lethal
Band-rumped Storm-Petrel	<i>Oceanodroma castro</i>	<1	Or Non-Lethal

Section 2

In this section we present detailed information on the activities associated with managing Nēnē and other waterbird species on the property, including, nesting, production, recruitment and banding, as well as predator control, mortalities, and minimization measures implemented.

Nēnē Nesting Observations

Between July 1, 2023, and June 30, 2024, the Nēnē (*Branta sandvicensis*) nesting season resulted in 27 Nēnē nests from 27 different pairs on Hōkūala property (Figures 2, 3, 4 and 5). The season began in mid-September. The first nest was located on November 7, 2023. Subsequent nests were found through February 13, 2024. Nēnē pairs were monitored daily from September through June and data were compiled into an Excel spreadsheet. The monitoring data include: Nēnē pairs (bands when present), nest viability and gosling survivability, banding, and avian mortalities.



Figure 2. FY 2024 Nēnē nest sites in and near Main Lagoon, including Island 2.



Figure 3. FY 2024 Nēnē nest sites in and near Main Lagoon, including Islands 3 and 4.



Figure 4. FY 2024 Nēnē nest sites in and near Main Lagoon, including Islands 5, 6, and 7.



Figure 5. FY 2024 Nēnē nest sites near Irrigation Pond and other locations.

The 27 Nēnē nests produced 84 eggs, of which 76 hatched for a hatch rate of 90.5%. Of these 76 hatchlings, 51 survived to fledge. The hatchling survival rate is 67.1% and the eggs fledged rate is 60.7% (Table 4).

Table 4. Nēnē Egg Production and Survivorship at Hōkūala (FY 2024).

<i>Eggs Laid</i>	<i>Eggs Hatched</i>	<i>Hatch Rate</i>	<i>Goslings Fledged</i>	<i>Hatchling Survival Rate</i>	<i>Eggs Fledged Rate</i>
84	76	90.5%	51	67.1%	60.7%

During the 2023-2024 nesting season, 25 out of 27 (92.6%) nests were successful in that they hatched at least one gosling. Two nests (nests 7 and 14) failed to hatch any eggs. Eight eggs failed to hatch, one of which was predated upon by a rat (Table 5).

Table 5. Fate of Nēnē eggs (FY 2024).

<i>Egg Fates</i>		<i>Percentage</i>
Hatched	76	90.5%
Failed to Hatch:	8	9.5%
<i>Abandoned</i>	<i>2</i>	<i>2.4%</i>
<i>Predated</i>	<i>1</i>	<i>1.2%</i>
<i>Unknown</i>	<i>5</i>	<i>6.0%</i>
Total Eggs	84	100%

Table 6. Un-hatched Nēnē eggs (FY 2024).

<i>Nest #</i>	<i>Pair</i>	<i>Weight (g)</i>	<i>Length (mm)</i>	<i>Width (mm)</i>	<i>Diagnosis</i>
24-03	♂bRXZ-♀bJCR	36	85.38	52.97	Infertile
24-07	♂bRRE-♀y944	--	--	--	Walnut-sized egg was removed, and nest was destroyed
24-12	♂bNZU-♀bJCY	127	83.20	56.57	Fully developed
24-14	♂-♀Unknown	102	78.51	56.51	Infertile
24-18	♂oCTN-♀unb	82	82.16	53.77	Infertile
24-21	♂Fed-♀oHAT	56	79.63	53.53	Infertile
24-27	♂unb-♀bJEY	137	81.46	57.71	Partially developed
24-27	♂unb-♀bJEY	--	--	--	Predated by rat

Failed eggs were collected, measurements taken, and viability determined by examining the contents of each egg. Four of the failed eggs were found to be infertile when examined after collection. One egg had a fully developed embryo, and one egg had a partially developed embryo. The female that lays walnut-sized eggs every year laid one egg. That egg was not viable, and was taken by DLNR and the nest was destroyed. Detailed info on un-hatched egg fates is presented in Table 6 (above). Details on the nests, timing, bird band numbers, and locations of the nests are detailed in Table 7 (above). Visual representations of the nest locations are depicted in Figures 5 through 8.

Table 7. Nēnē nests (FY 2024).

<i>Date Found</i>	<i>Nest #</i>	<i>Pair ID</i>	<i>UTM</i>	<i>Eggs laid/hatched</i>	<i>Goslings Fledged</i>	<i>Nest Location/Comments</i>
11-07-23	24-01	♂bUPH-♀Unb	0463994-2429450	3/3	Never seen	Behind irrigation pond along fence line
11-15-23	24-02	♂Unb-♀oEKY	0464059-2429502	3/3	Never seen	WS-NT, behind irrigation pond, old road berm, tall grass
11-16-23	24-03	♂bRXZ-♀bJCR	0464295-2428479	4/3	3	WS-JC, island 2, W, tall grass, cocos, collected 1 egg 01/05/2024
11-16-23	24-04	♂bTPK-♀bTZR	0464738-2428741	3/3	2	WS-JC, island 5, W, end of island
11-16-23	24-05	♂bHRJ-♀bHRK	0464764-2428731	4/4	4	WS-JC, island 5, S/E, under dead tree, tall grass
11-17-23	24-06	♂oJAY-♀Unknown	0464897-2428663	3/3	Never seen	Island 7, S/E corner, under hau and monkeypod tree
11-17-23	24-07	♂bRRE-♀y944	0464868-2428665	1/0	0	Island 7, facing KP, walnut-sized egg, taken by SOH 12/15/2024
11-21-23	24-08	♂bZAE-♀bRRZ	0464240-2428440	3/3	3	WS-JG, island 2, pit LF flank
11-21-23	24-09	♂bTPZ-♀bPKU	0464252-2428446	3/3	7	WS-JG, island 2, in pit, took 4 goslings from PAE/KCY
11-24-23	24-10	♂bTPX-♀bJEZ	0464441-2428751	4/4	4	Island 3, W, pit top
11-24-23	24-11	♂bRTN-♀bUPN	0242862-2428705	4/4	2	Island 7, waterfall top
11-30-23	24-12	♂bNZU-♀bJCY	0464255-2428435	4/3	3	Near electric box, island 2, S/E side, collected 1 egg 01/05/2024
11-30-23	24-13	♂bPAE-♀bKCY	0464231-2428432	4/4	Never seen	Under downed tree, island 2, S/W corner, all 4 stolen by TPZ/PKU
11-30-23	24-14	♂-♀Unknown	0461939-2429465	1/0	0	Dropped egg (full size), collected 1 egg

Table 7. Continued.

<i>Date Found</i>	<i>Nest #</i>	<i>Pair ID</i>	<i>UTM</i>	<i>Eggs laid/hatched</i>	<i>Goslings Fledged</i>	<i>Nest Location</i>
12-07-23	24-15	♂bJEH-♀bKEC	0461939-2429456	4/4	3	Naupaka between B2 and rock wall
12-08-23	24-16	♂bTZT-♀bYUA	0464892-2428695	3/3	2	Island 7, E side across bay
12-08-23	24-17	♂oJCK-♀bRPR	0464484-2428742	4/4	4	Island 4, S slope, tall grass
12-08-23	24-18	♂oCTN-♀Unb	0464252-2428441	4/3	0	Island 2, S/W pit slope, collected 1 egg 01/05/2024
12-11-23	24-20	♂bHZA-♀bYUP	0464340-2428538	4/4	3	Pond edge, 50-60' from HCP trailer, in short open grass
12-12-23	24-21	♂Fed-♀oHAT	0465002-2428629	2/1	Never seen	Boathouse, collect 1 egg 01/05/2024
12-18-23	24-22	♂bYUT-♀bYTX	1 st seen 12-18-23 w 3	2/2	2	First seen Island 6, 08:30am, 2-3 days old, with female only
12-26-23	24-26	♂oCXP-♀oCTT	Nest not found Isl 2	2/2	1	First seen 12/26/2023 with 2 goslings, 1 killed by golf ball 01/16/2024
01-04-24	24-23	♂Unb-♀oJCC	0464019-2429464	4/4	4	Irrigation pond, back fence, monkey pod tree roots
01-05-24	24-24	♂oCUR-♀oCTJ	0464063-2429016	3/3	3	Island 2, W side, tall grass by downed tree, added 1 gosling from bJEY
01-05-24	24-25	♂oCXU-♀Unb	1 st seen on 1-5-24 w 3	3/3	2	Inside Silverwest, nest not found, 3 goslings on 01/05/2024
01-19-24	24-27	♂Unb-♀bJEY	0464438-2429938	3/1	1	Green waste area, 1 predator (rat), 1 abandoned, 1 hatch, 1 egg collected, both parents gone, gosling running alone in GW. Gosling put with oCUR-oCTJ (rejected); State took gosling (C. Chow).
02-13-2024	24-28	♂bHTX-♀Fed	none	2/2	2	Nest not found, pair 1st seen on 2-13-24 w/ 2 goslings on Chapel Road, across Isl 1

During the season, biologists from DOFAW (assisted by Hōkūala biologists) banded a total of 56 Nēnē, 53 of which were hatch-year goslings and three of which were adults. All bands recorded for this reporting season are presented in Table 8.

Table 8. Band codes of Nēnē observed at Hōkūala in FY 2024 listed by color bands (includes birds banded this season).

Blue ♂-♀	bHRJ♂	bHRK♀	bHRN♂	bHTX♂	bHZA♂	bJCR♀	bJCX♂	bJCY♀	bJCZ♂
	bJEH♂	bJEK♂	bJEY♀	bJEZ♀	bKCY♀	bKEC♀	bNXU♂	bNZH♀	bNZU♂
	bPAE♂	bPKU♀	bPKX♀	bPYJ♀	bRPR♀	bRPU♀	bRRA♀	bRRE♂	bRRJ♀
	bRRP♂	bRRU♀	bRRZ♀	bRTA♀	bRTN♂	bRXZ♂	bTPK♂	bTPX♂	bTPZ♂
	bTRA♂	bTRE♂	bTZR♀	bTZT♂	bUPH♂	bUPK♀	bUPN♀	bYCU♂	bYTU♀
	bYTX♀	bYUA♀	bYUP♀	bYUT♂	bZAC♀	bZAE♂	bZAN♀		
Orange ♂-♀	oATH♀	oATJ♀	oCTJ♀	oCTN♂	oCTR♀	oCTT♀	oCTY♀	oCUA♀	oCUR♂
	oCUY♂	oCUZ♂	oCXU♂	oCXX♀	oEKK♂	oEKN♀	oEKR♀	oEKU♂	oEKY♂
	oEZK♂	oEZN♀	oEZP♀	oEZR♀	oEZT♂	oEZU♀	oEZZ♀	oHAA♀	oHAE♀
	oHAN♀	oHAP♂	oHAR♂	oHAT♀	oHYT♂	oHZU♀	oHZX♀	oJAA♂	oJAH♂
	oJAJ♀	oJAK♂	oJAR♀	oJAT♀	oJAY♂	oJCC♀	oJCH♂	oJCK♂	oJCP♂
	oJCU♀	oJEY♀	oKRT♀	oKRU♂	oKRX♀	oKRY♂	oKRZ♀	oKTA♂	oKTC♀
	oKTE♀	oKTH♀	oKTJ♂	oKTK♂	oKTN♀	oKTP♂	oKTT♂	oKTU♂	oKTX♂
	oKTY♀	oKTZ♀	oKUA♀	oKUC♀	oKUE♂	oKUH♂	oKUJ♂	oKUK♀	oKUN♂
	oKUR♂	oKUT♀	oKUU♂	oKUX♂	oKUY♀	oKUZ♂	oKXA♂	oKXC♀	oKXE♀
	oKXH♂	oKXP♀	oKXR♂	oKXT♀	oKXU♂	oNJY♀	oNJX♂	oNKA♂	oNKC♀
	oNKE♀	oNKH♀	oNKJ♂	oNKK♂	oNKN♀	oNCR♀			
Yellow ♂-♀	y944♀								

The composition of bird species at Hōkūala has changed significantly over the past several years because DLNR-DOFAW removed over 650 Nēnē from the property between 2011 and 2016, and a Nēnē hazing program using trained dogs to maintain the nearby Līhu‘e Airport runway free of birds was implemented in 2019. Therefore, a comparison of metrics from the last 12 seasons to those collected from the onset of the program is not indicative of the success or failure of implementation of the HCP. The flock of Nēnē that were present on the site prior to the removal of animals was a mature flock that consisted of all age groups of birds—some as old as 22 years. Nēnē from that flock were the dominant

species on the property, and the flock controlled where and how many other waterbirds were present.

Since the removal of Nēnē, the densities of other waterbird species changed dramatically. For instance, at the onset of the permit in 2012, there were very few Common Gallinule in and around the golf course—this species was restricted to the dense vegetation surrounding a few of the golf course ponds—and mortality was not an issue. Since removal of Nēnē, Common Gallinule has become one of the more common waterbird species on the property. Fortunately, the increase in the number of Common Gallinule fledglings has more than kept pace with the increase in mortality. During FY 2024, 66 Common Gallinule fledglings were produced and 62 were produced during the previous year. Since FY 2018, an average of 26 Common Gallinule nests are found at Hōkūala each year.

Nēnē Hazing

On June 24, 2019, USDA-WS—acting on behalf of the Hawaii Department of Transportation, Airports Division—began a pilot project to haze Nēnē from Hōkūala using dogs, and other non-lethal methods. The purpose of the hazing program is to reduce the bird/wildlife aircraft strike hazard (BASH). This hazing plan was approved by DOFAW and USFWS. The initial one-year pilot project has been extended and enlarged with the addition of more dogs and handlers. Currently USDA-WS runs four dogs on Hōkūala. Hazing occurred the entire season addressed in this annual report. Hōkūala renewed the access agreement in June 2024.

Waterbird and Shorebird Surveys

Waterbirds at Hōkūala include resident endemic and indigenous species and native non-breeding migratory waterfowl and shorebirds. The endemic waterbird species recorded on the property include all the resident endemic waterbird species found on Kaua‘i, namely Hawaiian Duck (*Anas wyvilliana*), Common (Hawaiian) Gallinule (*Gallinula galeata sandvicensis*), Hawaiian Coot (*Fulica alai*), and Black-necked (Hawaiian) Stilt (*Himantopus mexicanus knudseni*). The lone resident indigenous species is Black-crowned Night Heron (*Nycticorax nycticorax hoactli*). Regularly recorded indigenous migratory shorebird species include Pacific Golden-Plover (*Pluvialis fulva*), Ruddy Turnstone (*Arenaria interpres*), Sanderling (*Calidris alba*), and Wandering Tattler (*Tringa incana*). A small number of uncommon and/or extralimital swans, ducks, geese, and shorebirds have been recorded on the property over the years. Three

American Wigeon (*Mareca americana*), an uncommon vagrant/migratory bird, were recorded over a period 14 days during this reporting period.

Waterbird and shorebird surveys were conducted on a bi-weekly basis and are conducted using golf carts and walking the property. The surveys record the species and adult vs. juvenile for each individual observed. A synopsis of the data collected over 100 separate count events conducted during FY 24 is presented in Table 9.

Table 9. Waterbird and shorebird counts (FY 2024).

<i>Common Name</i>	<i>Scientific Name</i>	<i>Avg /day</i>	<i>Max /day</i>	<i>Min /day</i>
Hawaiian Goose (Nēnē)	<i>Branta sandvicensis</i>	23	99	0
Hawaiian Duck	<i>Anas wyvilliana</i>	9	25	1
Common (Hawaiian) Gallinule	<i>Gallinula galeata sandvicensis</i>	34	47	15
Hawaiian Coot	<i>Fulica alai</i>	43	133	3
Black-necked (Hawaiian) Stilt	<i>Himantopus mexicanus knudseni</i>	5	12	0
Pacific Golden-Plover	<i>Pluvialis fulva</i>	39	91	0
Black-crowned Night Heron	<i>Nycticorax nycticorax hoactli</i>	10	25	4
Western Cattle-Egret	<i>Ardea ibis</i>	85	174	37
Hawaiian Short-Eared Owl (Pueo)	<i>Asio flammeus sandwichensis</i>	0	1	0
American Widgeon	<i>Mareca americana</i>	0	3	0

Waterbird Nesting

Waterbird nesting on Hōkūala had been steadily increasing over the past six years. Waterbird nesting data are collected during bi-weekly surveys, as described above; major water features surveyed are shown in Figure 6. Because nests are difficult to find in thick vegetation, “nest” counts are based upon observations of families (families are counted only once). This season we had Hawaiian Coot, Common Gallinule, Hawaiian Duck, and Black-necked Stilt nest on property (Table 10, Figures 6 through 11).

The Black-necked Stilt nest was in a former quarry area that flooded for several months in FY 2024 due to an unusually large amount of rainfall during the wet

season. This area is not likely to flood again because it is slated for development. The only other Black-necked Stilt nest on Hōkūala occurred six years ago.

Table 10. Hawaiian waterbird nests (FY 2024).

<i>Area</i>	<i>COGA</i>	<i>HACO</i>	<i>HADU</i>	<i>BNST</i>
Farm Pond	2	0	0	0
OC-8 Pond	1	0	0	0
Irrigation Pond	3	0	3	0
Lagoons	5	0	7	0
Mokihana 3	11	3	4	0
Kalanipu'u Flats	2	2	0	1
Total "Nests"	24	5	14	1
Juveniles Produced	66	21	72	0†

† Eggs hatched after July 1, 2024; surviving juveniles will be accounted for in FY 2025 annual report.



Figure 6. Overview figure of Hōkūala showing names and locations of water features discussed in the text.



**Figure 7. Overview of locations of waterbird nests (FY 2024).
North (top) and south (bottom).**



Figure 8. Lagoon 1 waterbird nests (FY 2024).



Figure 9. Lagoon 2 waterbird nests (FY 2024).



Figure 10. Mokihana 3 Pond waterbird nests (FY 2024).



Figure 11. Farm and Irrigation Ponds Waterbird Nests (FY 2024).

Tables 11 and 12 and Figures 12 and 13 present the number of Hawaiian waterbird nests and juveniles found/produced on the property from FY 2018 to FY 2024.

Table 11. Hawaiian waterbird nests found at Hōkūala from FY 2018 - 2024.

	HAGO Nests	HACO Nests	COGA Nests	HADU Nests	BNST Nests
2018	12	5	39	13	2
2019	20	3	21	7	0
2020	15	4	30	15	0
2021	18	4	30	12	0
2022	26	0	17	5	0
2023	25	3	19	12	0
2024	27	5	24	14	1

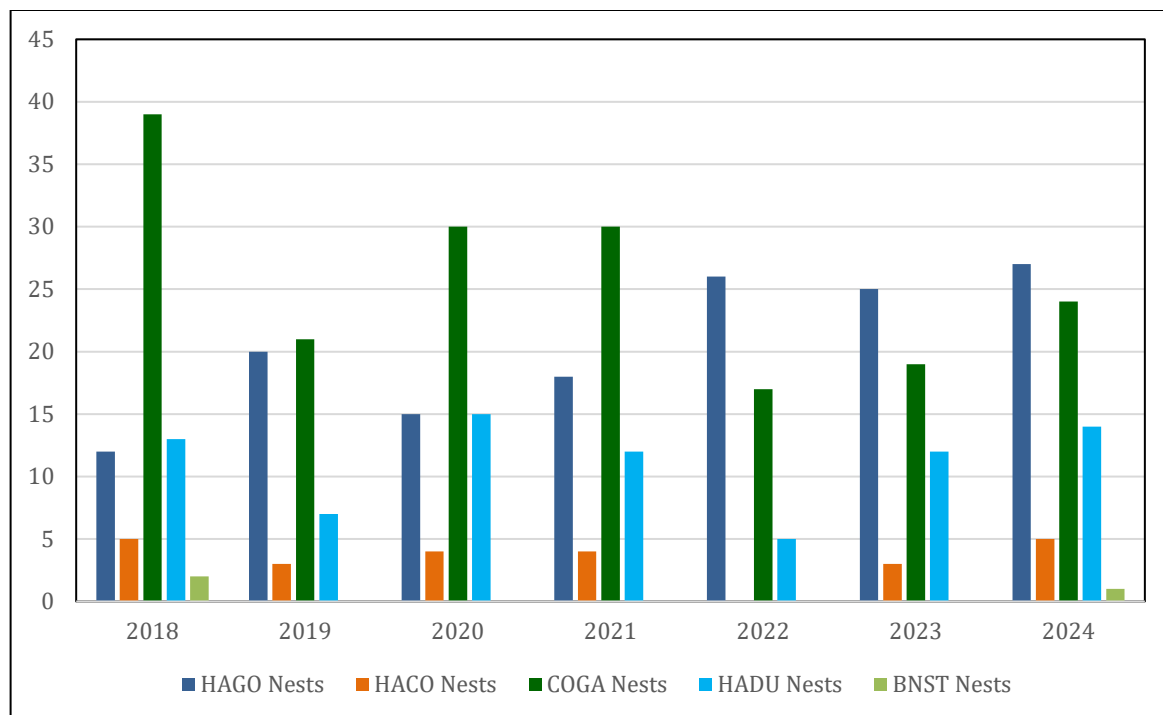


Figure 12. Number of Hawaiian waterbird nests found at Hōkūala from FY 2018 - 2024.

Table 12. Hawaiian waterbird juveniles produced at Hōkūala from FY 2018 - 2024.

	HAGO Juveniles	HACO Juveniles	COGA Juveniles	HADU Juveniles	BNST Juveniles
2018	23	5	78	20	2
2019	38	7	62	6	0
2020	23	8	27	39	0
2021	21	10	113	62	0
2022	45	0	48	29	0
2023	50	6	62	63	0
2024	48	21	66	56	0*

* Eggs hatched after July 1, 2024; surviving juveniles will be accounted for in FY 2025 annual report.

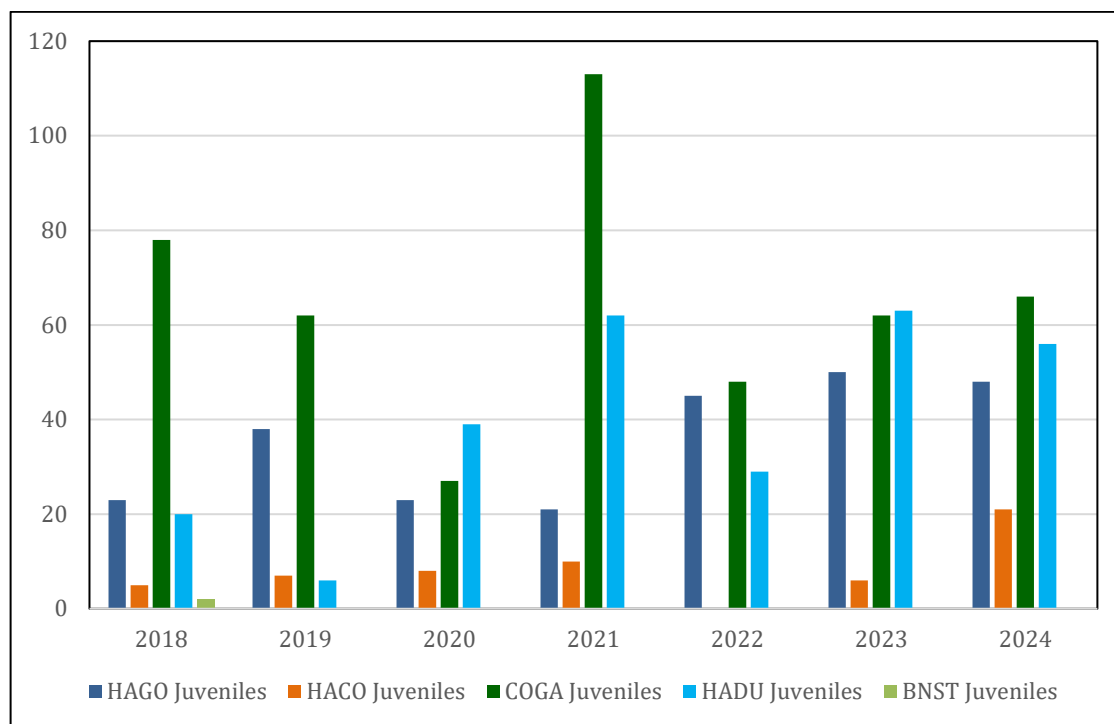


Figure 13. Number of Hawaiian waterbird juveniles produced at Hōkūala from FY 2018 - 2024.

Take

A total of seven listed avian take incidents were recorded at Hōkūala during FY 2024. A species breakdown and totals are presented above in Table 1. All carcasses were stored in a refrigerator at Hōkūala and collected by DOFAW staff or disposed of following direction from DOFAW staff, most within less than 24 hours after the incident.

Take, over the life of the permit to date, is depicted in Table 13 and Figure 14. As can be seen, the species impacted each year, and the number of incidents, varies on an annual basis. Table 14 and Figure 15 depict the amount of take since the inception of the HCP and the remaining authorized take for each species.

Table 13. Take reported on an annual basis from FY 2014 - 2024.

	HAGO	HACO	COGA	HADU	NESH	BNST	HAPE	BANP
2014	1	1	1	1	0	0	0	0
2015	0	2	0	1	2	0	0	0
2016	2	5	3	1	0	0	0	0
2017	0	1	2	3	1	0	0	0
2018	0	0	7	0	0	0	0	0
2019	1	3	3	0	4	0	0	0
2020	0	1	2	0	0	0	0	0
2021	0	3	3	1	0	0	0	0
2022	0	11	5	0	1	0	0	0
2023	3	3	4	0	0	0	0	0
2024	2	2	1	0	2	0	0	0

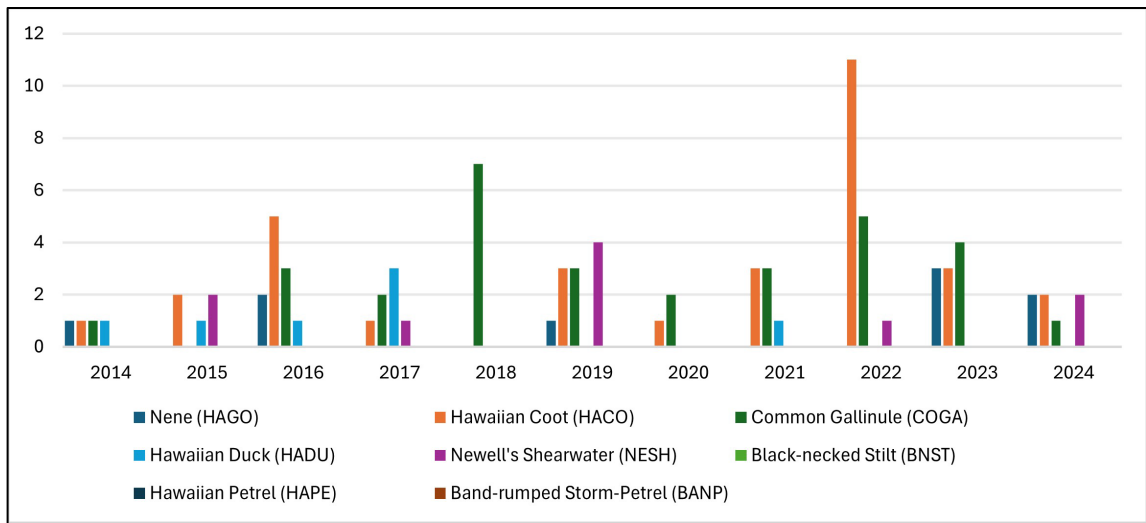


Figure 14. Take over time reported on an annual basis from FY 2014 - 2024.

Table 14. Total take since the inception of the HCP and remaining authorized take.

	HAGO	HACO	COGA	HADU	NESH	BNST	HAPE	BANP
Take since 2012	9	32	31	7.225	10	0	0	0
Remaining authorized take	8	78	9	28.775	17	38	1	1

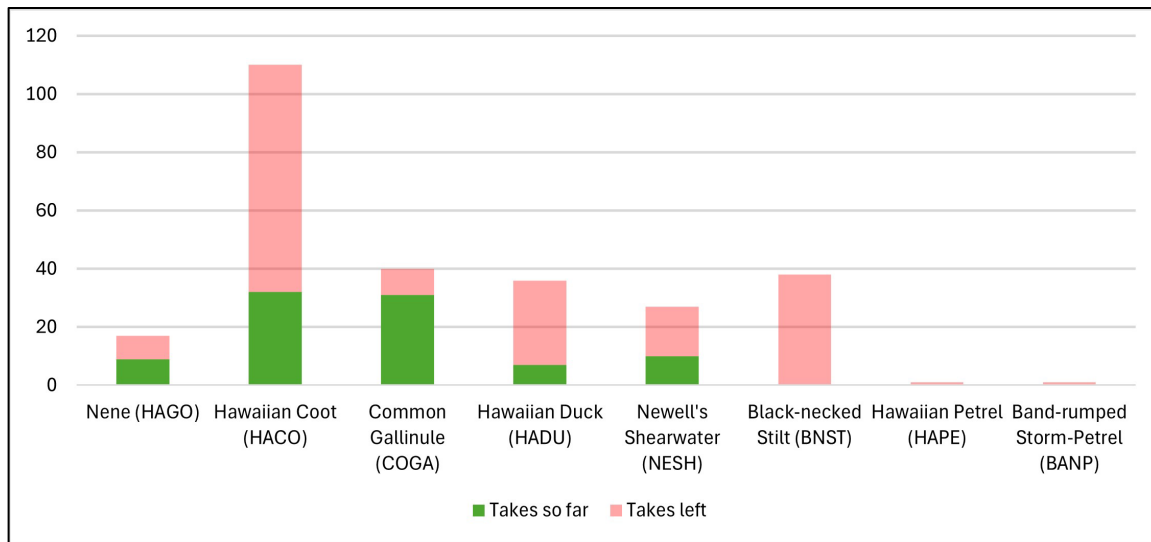


Figure 15. Take to-date and total authorized take.

Predation

We observed evidence of a single mammalian predation event on the property during this reporting period in which a Nēnē egg in the nest was eaten by a rat. The hole and various gnaw marks in the egg indicate the predator was a rat. A daily (365 days a year) task of the biological monitors is to record signs of mammalian predation. These observations are made whenever the biological monitor is undertaking other duties (e.g., monitoring Nēnē pairs, conducting waterbird surveys). Additionally, all resort staff report observations of predators to the biological monitors who then place appropriate traps in direct response to the reports.

Trapping and Predator Control Efforts

Invasive vertebrate species removal and predator trapping was successfully carried out throughout the year. Traps were moved away from locations with Nēnē activity during the months that the majority of Nēnē goslings were present (October to April) to prevent any trap related injuries. Intense cat trapping occurs in response to the discovery of cat sign. Two new bullfrog tadpole cone funnel traps were constructed in early June and deployed in the Mokihana 3 pond. The two semi-submersible traps for adult bullfrogs were removed from Mokihana 3 pond due to the near-constant presence of Hawaiian waterbird fledglings. Two of the major issues with predator control on this property are that of increasing numbers of cats abandoned on the property (likely due to the current Kauaʻi Humane Societies policies on not accepting cats) and that of the over 600-ac site

not fenced and traversed by a County of Kaua‘i public road. In June 2024, a lost dog (from Wainiha that was missing for over a month) was found on the property. The dog was caught by hand and returned to its owner via a social media post. Rodent control is provided by Mokihana Pest Control. Poison bait stations are deployed primarily on the lagoon islands, where rodent activity is apparent. We specifically avoid placing rodent poison baiting stations in wilder open areas because of possible secondary poisoning to *Pueo*. The potential of using baited snap traps for the safety of *Pueo* has been discussed. Predator control efforts and results for FY 2024 are presented in Table 15.

Table 15. Trapping and predator removal effort (FY 2024).

<i>Predator</i>	<i>Number of trap days/night</i>	<i>Number of predators caught</i>	<i>Efficacy</i>
Cat	1,075	26	2.4%
Pig	63 (+ 125 days of baiting)	4	6.4%
Chicken	3,214	1,678	52%
Bullfrog	n/a	6 (shot with pellet gun)	n/a
Bullfrog tadpole	14	67	478%

Roadways, Speed Limits, Endangered Species Signs, and Speed Bumps

The posted speed limit on the resort property is 14 MPH (Figure 16). We have a series of different endangered species signs, some of which are semi-permanent and others that are temporary and moved to locations as needed (Table 16 and Figures 17 - 21). Additionally, there are two endangered species information signs posted in areas that are accessed by guests and golfers using the facilities (Figure 22).



Figure 16. Posted speed limit is 14 mph at Hōkūala Resort.

Table 16. Nēnē and T&E caution signs on property (FY 2024).

<i>Sign Description</i>	<i>Number</i>
Yellow metal 2x2 Nēnē crossing signs	17
White Nēnē slow down signs	12
Plastic sandwich board caution slow down	3
Metal do not feed Nēnē signs	4
Endangered Species informational displays	2



Figure 17. Location of caution signs deployed on the resort.



Figure 18. Semi-permanent Nēnē crossing sign.



Figure 19. Portable “wildlife crossing” and “do-not-feed” signs.



Figure 20. Along Holokāwelu Road, “slow down for wildlife” warning signs are placed every 45 ft.



Figure 21. Portable sandwich board sign placed in the middle of Holokāwelu Road.

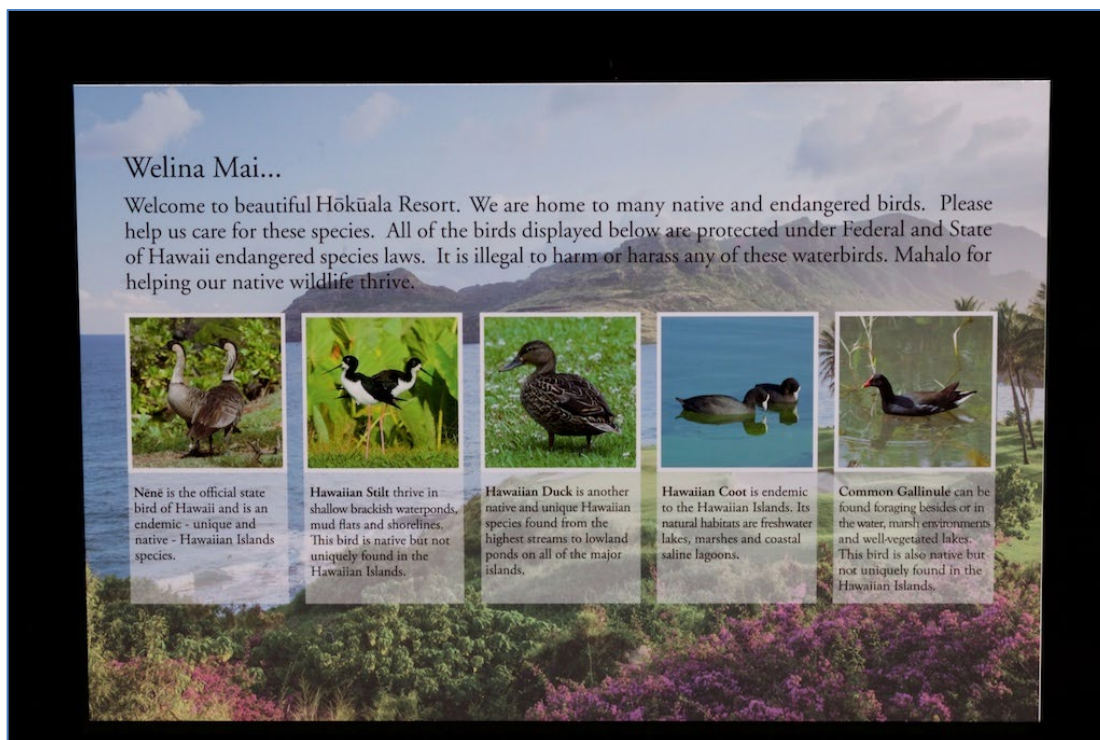


Figure 22. Typical endangered waterbird information sign.

Bird locations and bird activity are dynamic on this site. As circumstances change and new areas of concern are identified, we move and modify warning signs on the property. As of this writing, the resort has deployed 31 “Nēnē crossing” and “slow down—wildlife crossing” signs and two in-road sandwich boards. During one of the upcoming phases of construction on the property (potentially in FY 2025), up to seven new signs will be erected that welcome guests and owners into an area where endangered species live. The proposed locations of the signs are shown in Figure 23. These signs will incorporate pictures of other Covered Species, including Hawaiian Coot, Hawaiian Gallinule, Hawaiian Stilt, and Hawaiian Duck.



Figure 23. Location of “Conservation Area” signs.

As described above, the Pace Technology GPS system installed on every golf cart maps locations of current nests of Covered Species (and other pertinent information). The GPS system flashes a “warning” sign if the cart approaches a nest, slows the golf cart to 5 mph or less when it is near a Covered Species, and stops the cart from proceeding on a route that would approach a Covered Species (See Attachment E for more information about Pace Technology). The Biological Monitor provides information on Covered Species to the Club House as soon as the data are gathered, and Club House staff program the GPS system.

In FY 2024, Hōkūala staff evaluated the correlation between avian take incidents and traffic trends throughout the property and developed a plan of action that is being implemented to reduce vehicular strikes. The following actions have been taken to date in FY 2025 to reduce vehicular incidents: (1) Employee parking lot was moved from Lot 9 C/D (adjacent to the Maliula Building of Timbers Kauai) to the Golf Parking Lot (at the entry to Hōkūala). The employee parking lot used to be located on the bank of the lagoon and was frequented by Nēnē. The new location of the parking lot is not frequented by Nēnē or listed waterbirds and is accessed via Ho‘olaulea Way. As a result of this change, approximately 72 fewer cars per day traverse Ho‘olaulea Way and Holokawelu Drive, which are frequented by waterbirds. (2) Peanut grass, a groundcover waterbirds enjoy eating, was removed from road medians and other areas near roads that are frequented by listed waterbirds. (3) Another speed bump was installed on Holokawelu Drive.

In FY 2024, there were five speed bumps on the roadways within the resort. (An additional speed bump was installed on Holokawelu Drive in FY 2025). Some of the new signs to be installed in FY 2025 may say something like “Caution endangered species—slow down”. Hōkūala will continue to monitor areas of concern and address new issues by decreasing speed limits and/or adding speed bumps as necessary.

Construction Monitoring

During this reporting period, construction occurred on four sites: Ninini Townhouses, tennis and pickleball courts, and Lot 1 and Lot 1A. The first two pads of Ninini Townhouses (12 units) were constructed on approximately 10 ac of land between December 2022 and October 2023. The tennis and pickleball courts were also built during that time; construction finished in November 2023. Each one of these sites is within areas included in our daily monitoring routines, and both were inspected by our senior on-site biologist prior to the onset of grading. Each construction site was visited by the biological monitor daily as a part of regular inspection rounds.

Grading commenced on Lots 1 and 1A (single family housing) during FY 2024. Lot 1 is 6.2 ac and Lot 1A is 4.5 ac. These sites were inspected by the on-site biologist prior to grading and, during grading, were monitored and inspected daily by the senior on-site biologist.

Nēnē did not nest within any of these areas during construction. USDA-WS hazing operations included these construction areas during this period, so Nēnē

basically never had the opportunity to become established in the construction areas. No other Covered Species waterbirds nested in construction areas (see Table 10 and Figs. 7 - 11).

Currently Hōkūala has one full-time monitor, one part-time monitor, and an overseeing biologist. As construction moves forward, a second full-time biological monitor will be hired to ensure full-time monitoring of construction projects during this coming season. We anticipate hiring a second full-time biological monitor in FY 2025.

Endangered Species Awareness Training

Training classes on endangered species are given to all personnel on the site, regardless of job, company, or position. In FY 2024, a total of 29 classes were held and 118 people were trained (Attachment F includes the attendance logs). All personnel who attended the course were given a copy of the training module. Three different versions of the PowerPoint presentation target specific audiences. The training course includes information on all eight listed avian species covered in our state and federal incidental take license and incidental take permit. In the training sessions, the specific Covered Species protocols and restrictions are discussed in depth, as are potential disciplinary action if the protocols and procedures are not followed. A log of all the individuals that receive training is maintained.

As a part of the new employee orientation, the Association Director continues the discussion of endangered species and the required protocols and restrictions during the orientation property tour. Hōkūala personnel consistently report situations of concern to on-site construction and biological monitors.

All construction workers are required to undergo the endangered species awareness training and display a uniquely numbered Endangered Species Awareness Training sticker on their hardhats. A prime consideration in the selection of a construction contractor for various projects is the previous successful completion of a previous project on-site. These contractors have demonstrated a commitment to protecting endangered species at Hōkūala. Despite their previous experience, all contractors undergo annual training classes on endangered species.

The endangered species awareness training is a comprehensive and effective program that Hōkūala looks for opportunities to improve, including, moving

forward, through introduction of a written assessment or quiz at the end of training.

Bird and Nature Tours

Biologists led 133 bird and nature tours of the resort property for 507 guests and local residents during FY 2024. Driving tours utilize a 6 - 8 passenger golf cart and routes are on established roads (Figure 24). Guests do not get out of the cart in areas where endangered species are present and are always under the supervision of the biological monitor. Guests get out of carts only at the farm and restrooms. The biological monitor drives the vehicle and avoids approaching endangered species. A copy of the draft ESA brochure (currently under review) for guests is included as Attachment D.

The tour begins and ends in the Timbers lobby, proceeds around the lagoon through the 17th and 18th holes of the golf course and stops at the club house. The tour continues along paved roads between Bridges 1 & 2, then continues to Kalanipu'u, turning around at the old Sharkey's restaurant. The tour then backtracks to Bridge 2 & proceeds along the Lagoon path. The route of the tour continues between the 11th and 18th holes and follows along the abandoned golf course paths. A brief stop is made on the elevated bank of the Mokihana 3 pond, then the tour continues onward to the Timbers Farm. The tour circles around the driving range and associated trails returns to the main Timbers lobby. The tour lasts between 1½ and 2 hours.



Figure 24. Established/typical route taken for the bird and nature tours (yellow line).

Certification (Implementation Agreement, Section 8.3)

I certify that, to the best of my knowledge, after appropriate inquiries of relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

Susan Burr, AECOS

Date February 7, 2025

Literature Cited

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

Attachment A

Copy of FY 2024 Bond



Marsh USA LLC
Marsh Risk & Insurance Services
(213) 624-5555

INVOICE

Page	1 of 2
Invoice Total	2,689.00 USD
Invoice No.	822263505588
Invoice Date	05/31/2024
Client No.	8222683024

Billed To: **Sarah Frayer**
Oaktree Capital Management, L.P.
333 S. Grand Avenue, 28th Floor
Los Angeles, CA 90071

Remittance Copy

Company earns and retains interest income on premium payments held by Marsh on behalf of insurers during the period between receipt of such payments from clients and the time such payments are remitted to the applicable insurer, where permitted by law.

Detach and remit this portion with your payment

Client No.	Invoice No.	Payment Due	Invoice Total	Amount Paid
8222683024	822263505588	Immediate	2,689.00 USD	

Thank you for your prompt payment.

Please indicate Invoice Number 822263505588 on your remittance.

Additionally, for ACH or wire payments, e-mail remittance detail to: FiduciaryserviceRequest.US@marsh.com

By ACH: **Bank Name:** Bank of America
ACH Routing No: 071000039
Account Title: Marsh USA LLC
Account Number: 8188063091

By Wire: **Bank Name:** Bank of America
Wire Routing Number: 026009593
Account Title: Marsh USA LLC
Account Number: 8188063091

By Mail: Marsh USA LLC
P.O. Box 846112
Dallas, TX 75284-6112 USA

8222635055882 000026890076



INVOICE

Marsh USA LLC
Marsh Risk & Insurance Services
(213) 624-5555

Page	2 of 2
Invoice Total	2,689.00 USD
Invoice No.	822263505588
Invoice Date	05/31/2024
Client No.	8222683024

Sarah Frayer
Oaktree Capital Management, L.P.
333 S. Grand Avenue, 28th Floor
Los Angeles, CA 90071

Billed To:

Surety Name	Bond No.	Effective Date	Expiration Date	Transaction Type	Description/ Type of Coverage	Item	Amount
Atlantic Specialty Ins Co	800014350	07/01/2024	07/01/2025	Original	Commercial Bond	PREMIUM	2,689.00
Invoice Comments: Principal:Tower Kauai Lagoons Land, LLC Obligee:State of Hawaii, Department of Land and Natural Resources Bond Amount: \$153,667.00 Bond Type - Description:License & Permit - Kauai Lagoons Resort project on the Island of Kauai Hawaii-Kauai Lagoons Habitat Conservation Plan-Incidental Take License (ITL)/Incidental Take permit (ITP) Requester:Eric Cucchi							
Invoice Total (Payable in Full upon Receipt)							2,689.00

Company earns and retains interest income on premium payments held by Marsh on behalf of insurers during the period between receipt of such payments from clients and the time such payments are remitted to the applicable insurer, where permitted by law.

Attachment B

Training module used for
FY 2024



Hōkūāla

KAUA'I

Timbers /Hōkuāla Contractor & New Hire Orientation Endangered Species Awareness Program – 2021-2022



Prepared by Reginald David

Purpose of Training

- Numerous protected bird species are present on the site
- Hōkuāla is committed to the protection of these species
- Hōkuāla has specific endangered bird protocols in place that will be followed by all Operations, Contractors, and Construction personnel
- All Operations, Contractors, and Construction personnel need to be familiar with the issues and protocols
- There are significant legal implications if any of these birds are harmed, or protocols are not followed

Regulatory Setting - Protected Species

Federal -

The Endangered Species Act of 1973, as amended (ESA)

Migratory Bird Treaty Act (MBTA)

State of Hawai'i -

Hawaii Revised Statutes (Chapter 195-D)

IT IS ILLEGAL TO:

“harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” any species listed under any of these statutes

Outline

- **Agency and Endangered Species Program Contacts**
- **Endangered waterbird species**
- **Specific rules and restrictions in place to protect waterbird species**
- **Listed seabird species**
- **Specific rules and restrictions in place to protect seabird species**

Agency and Endangered Species Program Contacts - Who to Call

State Department Land & Natural Resources – Division of Forestry & Wildlife (DOFAW)

- Clay Chow: Division of Forestry & Wildlife: (808) 274-3440

Onsite Biologists / Monitors

- Alan Silva: (808) 651-8100 or (808) 977-0218 email: Hokualahcp@hokualakauai.com
- Diane Butler

Hōkuāla Program Coordinators

- Gary Siracusa: Director of Construction: (808) 241-6046 - Cell: (808) 639-1917
- David Nagao: Association Director: (808) 241-6045 - Cell: (808) 652-9857
- Chad Visitation Safety & Security Supervisor: Cell: (808) 375-5284

Hōkuāla Biological Consultant

- Reggie David: (808) 329-9141 Cell: (808) 937-0124, email: davidr003@hawaii.rr.com

Endangered Waterbirds at Hōkūala

- Hawaiian Goose - *nēnē*
- Hawaiian Coot - *‘alaeke‘oke‘o*
- Common Moorhen - *alae‘ula*
- Hawaiian Duck - *koloa*
- Hawaiian Stilt - *ā‘eo*

Nēnē



Hawaiian Coot - *'ala'eke'oke'o*



Common (Hawaiian) Gallinule - *'ala'e'ula*



Hawaiian Duck - *koloa*



Black-necked Stilt - *α'eo*



Onsite Waterbird & Nēnē Monitors

- Waterbird monitors will be onsite to ensure that any and all activity does not harm Nēnē or other waterbird species
- Monitors are authorized to stop any and all activity that they deem may potentially be harmful to Nēnē and other endangered waterbird species
- Nēnē and waterbird safety takes precedent over any and all activity

Obey all directives given to you by the onsite monitors

Waterbird Special Rules

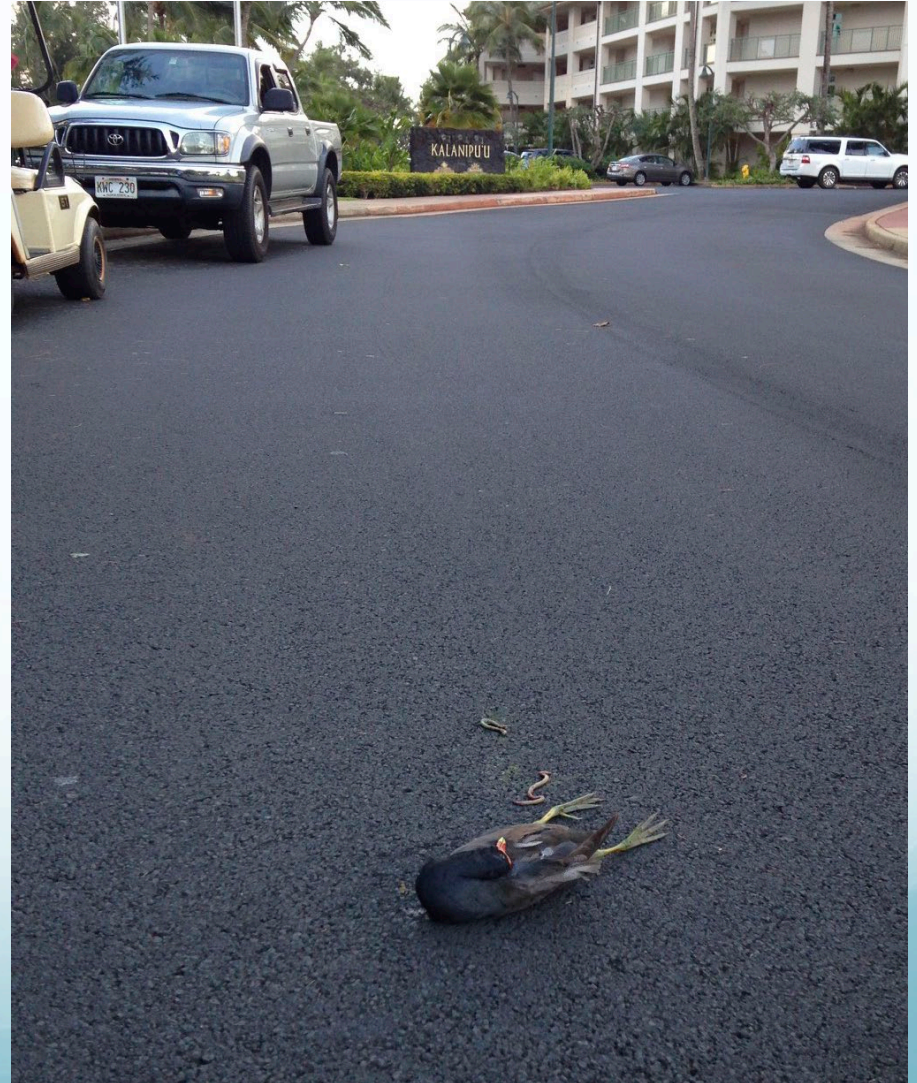
- Slow Down - Speed limit on the site is **14 mph**



Waterbird Special Rules

- Check beneath all equipment before driving machines
- No pets on the site
- Dispose of food and trash in trash cans
- Don't feed/pet/approach Nēnē or other waterbirds
- Immediately report any injured birds to the onsite monitors or your supervisor
- Feeding cats or stray dogs on property is expressly prohibited

Gallinule Issue – Holokawelu Way



Gallinule Issue – Holokawelu Way



Gallinule Issue – Holokawelu Way



Waterbird Special Rules

- Don't approach Nēnē nests



Take Home Message

- The harming of listed waterbird or seabirds may be construed as “take” under the ESA, and/or HRS 195D.
- The minimization and avoidance of “take” to the maximum extent practicable is required under both federal and State of Hawaii endangered species statutes
- Failure to do so may result in enforcement action, which may result in significant civil and criminal penalties
- Penalties include civil fines of up to \$25,000 per incident, and criminal fines of up to \$50,000, and up to one year federal imprisonment per incident
- **Non-compliance with any of the endangered species rules and protocols will result in immediate disciplinary action and a ban on working on property or job site without warning**

- Don't approach Nēnē nests



Endangered Seabird Species



Listed Seabirds Issues

- Nocturnally flying seabirds are often attracted to lights
- Fledgling birds on their way to sea for the first time are often attracted to lights and can be confused by them
- Confused birds may collide with structures, or simply land on the ground too tired to continue flying
- Once on the ground they cannot take off again and will die from starvation or be killed by predators if not rescued



Seabird Season Lighting Protocols

- Between September 1 and December 15, no unshielded lights will be allowed within the project area
- The reason for the reduced lighting is to minimize the chance that seabirds will be attracted to the lights, become disoriented by them, and then land on the ground, or in a worse case scenario collide with a man-made structure
- Report all downed seabirds to your manager or security immediately

Mahalo

Hōkuāla thanks you for your attention to and assistance with this program

Hōkuāla takes pride in our continued efforts to protect the natural resources on the Island of Kauaʻi

Protection of these native birds is everyone's responsibility, and is in the common interest of the Island community and future generations

If You Want More Information

- **Other questions? Please see me after the presentation**
- **Hard copies of this presentation are being distributed**

Thank You For Your Attention

Attachment C

Outdoor lighting plan
installed at Timbers
Kauai Ocean Club &
Residences complex

TEMPLATE VERSION:
PLOT DATE:



OVERALL SITE LIGHTING PLAN
SCALE: 1"=40'-0"

Albert Chong Associates Inc.
Consulting Electrical Engineers
and Lighting Designers
1117 Kapaeha Avenue
Honolulu, Hawaii 96816
Telephone (808) 738-5355

0 40' 80'
Scale: 1" = 40'-0"

TRUE
NORTH PROJECT
NORTH

© 2019 HKS ARCHITECTS, INC.

HKS

ARCHITECT
HKS ARCHITECTS
539 BRYANT STREET, SUITE 100
SAN FRANCISCO, CA 94107

STRUCTURAL ENGINEER
WILLIAM BLAKENEY, INC.
44-646A KANEHOE BAY DRIVE
KANEHOE, HI 96744

**MECHANICAL/PLUMBING
ENGINEER**
MSC ENGINEERING LLC
P.O. BOX 545
KALAHEO, HI 96741

ELECTRICAL ENGINEER
ALBERT CHONG ASSOCIATES, INC.
1117 KAPAHULA AVENUE
HONOLULU, HI 96816

**TIMBERS KAUAI
TOWNHOUSES - PHASE II -
BUILDING D**

TMK # (4) 3-5-001 : 027

OWNER
TOWER KAUAI LAGOONS LLC
3351 HOOLAULEA WAY
LIHUE, HI 96766

EXPIRATION DATE
04-30-2022
ALBERT RICHARD CHONG
LICENSED
PROFESSIONAL
ENGINEER
No. 6183-E
HAWAII, U.S.A.

THIS WORK WAS
PREPARED BY ME
OR UNDER MY
SUPERVISION AND
THE CONSTRUCTION
OF THIS PROJECT
WILL BE UNDER MY
OBSERVATION.

REVISION

HKS PROJECT NUMBER
22545.000

DATE
NOVEMBER 22, 2019
ISSUE
PERMIT SET

SHEET TITLE

**OVERALL SITE
LIGHTING PLAN**
SHEET NO.

E1.11

Attachment D

Current tour brochure (will
be revised in future)

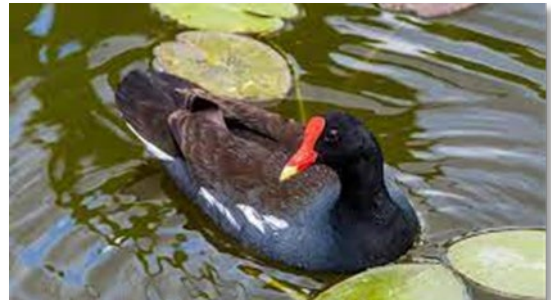
Timbers Endangered Species



Hawaiian Nene Goose (family)



Hawaiian Coot



Common Gallinule



Hawaiian Stilts



Hawaiian (Koloa) Ducks

Seabirds & Shoreline Birds



Great Frigate Bird



Ruddy Turnstone



Pacific Plover (adult)



Pacific Plover (juvenile)



Red-tailed Tropicbird (shoreline)



White-tailed Tropicbird (mountain)



Wandering Tattler



Sanderlings

Seabirds & Shorebirds



Bristle-thighed Curlew



Band-rumped Storm Petrel



Newell's Shearwater



Wedge-tailed Shearwater



Short-tailed Plover



Glaucous Gull



Laughing Gull



Ringed-bill Gull

Common Birds on Property



Jungle Fowl (chickens)



Western Meadowlark



White-rumped Shama (male)



Shama (female)



Laced Neck (Spotted) dove



Zebra Dove



Northern Cardinal



Red-crested Cardinal

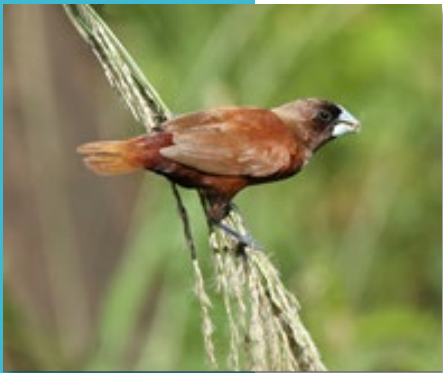
Common Birds on Property



Black-crowned Night Heron (adult)



Black-crowned Night Heron (juvenile)



Chestnut Manikin



Nutmeg Manikin



Java Sparrow



House Sparrow



House Finch (pair)



Rose-ringed Parakeet

Common Birds on Property



Saffron Finch



Common Mynah



Mockingbird



Red Avadavat (Strawberry Finch)

Owls



Pueo (Hawaiian Short-eared Owl)



Common Barn Owl

Visiting Geese-Cranes-Ducks



Cackling Goose



Canadian Goose



Snow Goose



Demoiselle Crane 11/2019



Pied-billed Grebe



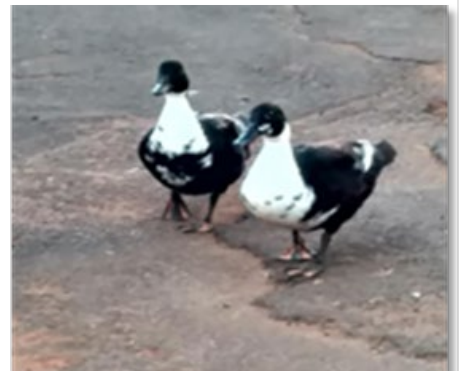
Brandt Goose



Mallard (pair)



Ruddy Shelduck



Muscovy Ducks

Other Endangered Species Found at Timbers



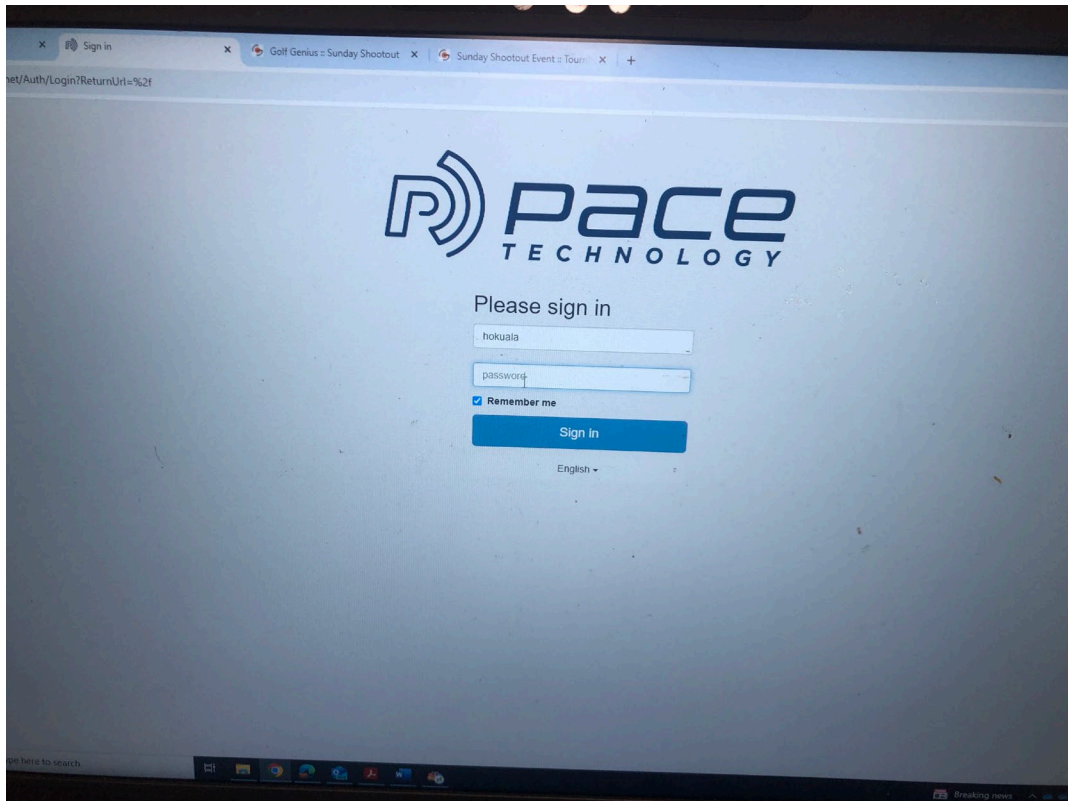
Hawaiian Monk Seals



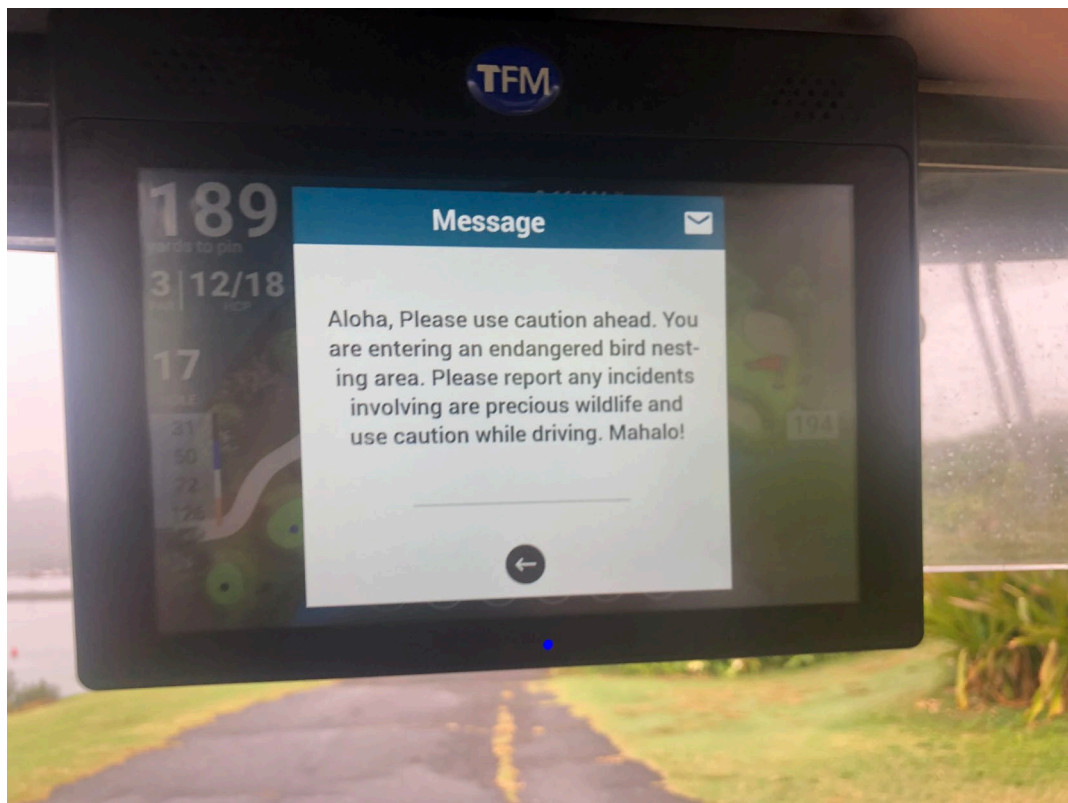
Green Sea Turtles

Attachment E

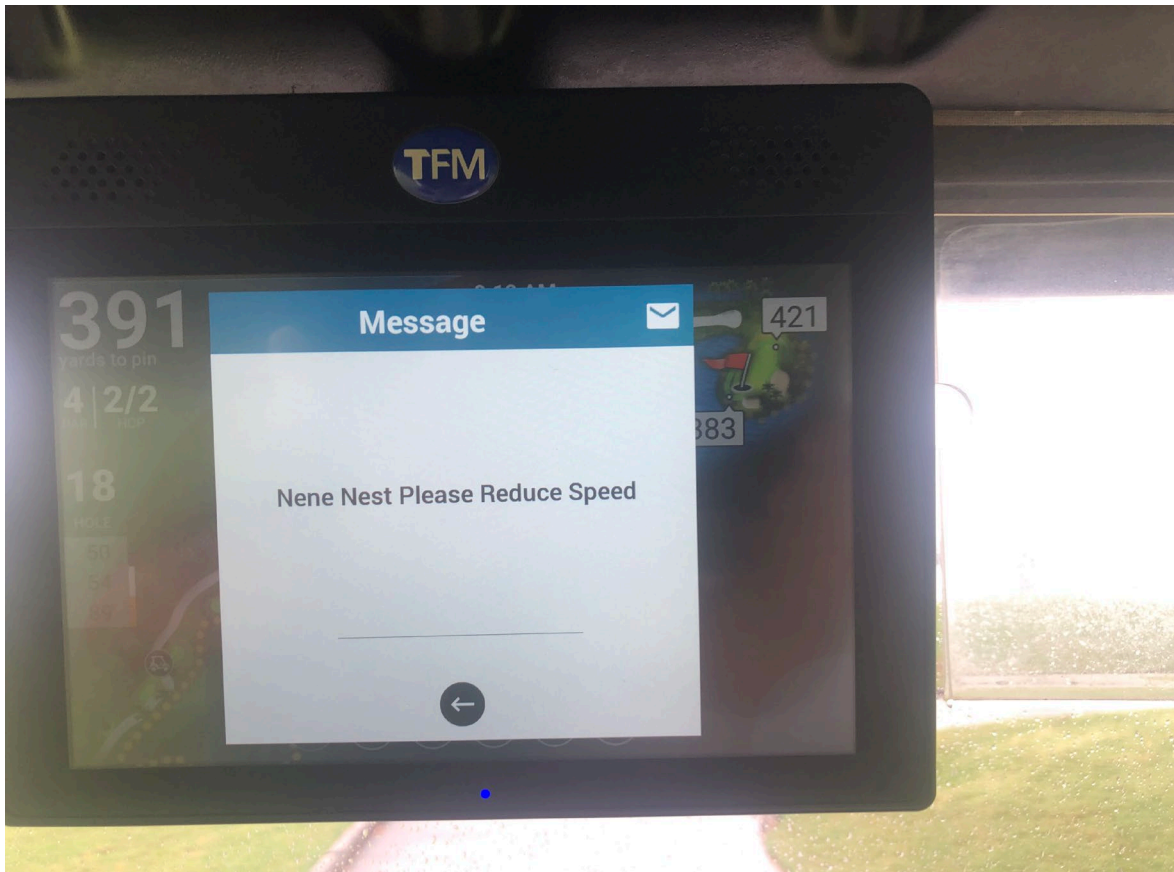
Pace Technology installed
on every golf cart



Pace Technology System provided on every golf cart used by players.



One of two messages that appear on each cart screen when entering limited use areas on course.



Second message that appears when entering limited use areas on course. Reduce speed required when entering limited use areas. Golfers need to tap the screen to turn the notice off.



Carts automatically reduce speed when entering red areas. If cart speed is over 7 mph, cart will shut down automatically.



Typical signage along cart path in regulated speed zones.



Signage posted when Nēnē nest is present anywhere on property.

Attachment F

FY 2024 HCP Records of
Training Sessions and
Nature Tours

FY 2023-2024
Nature Tour & HCP Training Session Totals

Bird Tours				Training Sessions			
				Timbers/Golf/New Hire (NHO)		Construction	
2023	# Tours	Adults/Kids	Total	#Sessions	#Trained	#Sessions	#Trained
July	13	46/3	49	0	0	1	3
August	7	19/3	22	2	10	1	3
September	<u>10</u>	<u>25/2</u>	<u>27</u>	<u>2</u>	<u>37</u>	<u>0</u>	<u>0</u>
3rd qtr. '23 Total	30	90/8	98	4	47	2	6
				Timbers/Golf/New Hire		Construction	
October	6	18/3	21	7	5	1	2
November	4	18/2	20	1	4	0	0
December	<u>13</u>	<u>45/8</u>	<u>53</u>	<u>1</u>	<u>4</u>	<u>0</u>	<u>0</u>
4th qtr. '23 Total	23	81/13	94	9	13	1	2
				Timbers/Golf/New Hire		Construction	
2024	# Tours	Adults/Kids	Total	#Sessions	#Trained	#Sessions	#Trained
January	14	63/5	68	1	5	0	0
February	11	39/2	41	2	8	2	5
March	<u>12</u>	<u>44/5</u>	<u>49</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
1st qtr. '24 Total	37	146/12	158	3	13	2	5
				Timbers/Golf/New Hire		Construction	
April	13	38/6	44	2	10	0	0
May	20	77/1	78	1	6	0	0
June	<u>10</u>	<u>35/0</u>	<u>35</u>	<u>2</u>	<u>11</u>	<u>0</u>	<u>0</u>
2nd qtr '24 Total	43	150/7	157	5	27	2	5
				Timbers/Golf/New Hire		Construction	
FY '23-'24	# Tours	Adults/Kids	Total	#Sessions	#Trained	#Sessions	#Trained
2023-3rd	30	90/8	98	4	47	2	6
2023-4th	23	81/13	94	9	13	1	2
2024-1st	37	146/12	158	3	13	2	5
2024-2nd	<u>43</u>	<u>150/7</u>	<u>157</u>	<u>5</u>	<u>27</u>	<u>2</u>	<u>5</u>
FY 23-24 Total	133	467/40	507	21	100	7	18
				Total	Sessions	28	
				Total	Trained	118	