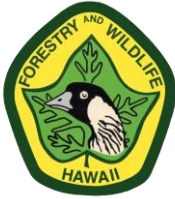
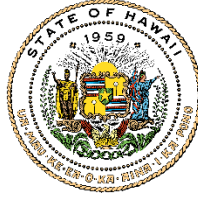


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF FORESTRY AND WILDLIFE  
1151 PUNCHBOWL STREET, ROOM 325  
HONOLULU, HAWAII 96813

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
RYAN K.P. KANAKA'OLE  
FIRST DEPUTY  
CIARA W.K. KAHANE  
DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

March 20, 2025

Endangered Species Recovery Committee  
State of Hawai'i  
Honolulu, Hawai'i

**SUBJECT:** Division of Forestry and Wildlife Evaluation of Norwegian Cruise Lines Ltd.  
(NCL) Implementation of the Kaua'i Seabird Habitat Conservation Plan  
During 2024

Dear Committee Members,

The State of Hawai'i Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) is respectfully requesting the Endangered Species Recovery Committee (ESRC) review the 2024 Kaua'i Seabird Habitat Conservation Plan (KSHCP) Annual Report prepared by Pacific Rim Conservation, with regards to NCL, an individual participant and licensee of the KSHCP. This request is in accordance with the requirements outlined in Section 195D-25, Hawai'i Revised Statutes. The 2024 KSHCP Annual Report compiles information from eight individual licensees as part of the obligations of the KSHCP and State Incidental Take License (ITL; ITL-27). This submittal is a summary the NCL portion of the 2024 KSHCP Annual Report and includes information provided to DOFAW by the licensee over the last year.

**BACKGROUND:**

ITL Licensee: NCL (Bahamas) Ltd.

Project: NCL cruise ships *Pride of America*, *Norwegian Sun*, and any other NCL vessel which operates in Hawaiian waters.

ITL Duration: June 12, 2020 – June 12, 2050. At the of conclusion of 2024, the licensee is approximately 4.5 years (15%) through their permit term.

Status of ITL: During 2024, the direct, incidental, lethal take of one 'ua'u (Hawaiian petrel) occurred aboard the *Pride of America*.

General Updates: In 2025, three additional NCL vessels will operate in Hawaiian waters. The schedule for each of the three vessels are provided below.

- *Nautica*
  - o January 14 – 16, 2025
- *Insignia*
  - o June 25 – 27, 2025
- *Oceania Regatta*
  - o July 28 – August 5, 2025
  - o September 26 – October 4, 2025
  - o October 24 – 27, 2025
  - o December 2 – 6, 2025

### **Take Review:**

Table 1. Maximum 5-Year rolling average vs. actual 5-year rolling average of lethal and non-lethal take for each species, and the lethal and non-lethal, authorized take vs. cumulative calculated take for each species since ITL issuance through 2024, as provided in the 2024 KSHCP Annual Report.

<b>Common Name</b>	<b>Maximum 5-Year Rolling Average Lethal / Non-Lethal</b>	<b>Actual 5-year Rolling Average Lethal / Non-Lethal</b>	<b>Authorized Take of Fledglings, Lethal</b>	<b>Cumulative Calculated Take of Fledglings, Lethal</b>	<b>Authorized Take of Fledglings, Non-lethal</b>	<b>Cumulative Calculated Take of Fledglings, Non-lethal</b>
‘A‘o (Newell’s shearwater)	1 / 1	0.45 / 0.35	30	2.24	30	1.76
‘Ua‘u (Hawaiian petrel)	0.2 / 0.2	0.45 / 0.35	6	2.24	6	1.76
‘Akē‘akē (Band-rumped storm petrel)	0.2 / 0.2	0.02 / 0.18	6	0.12	6	0.88

Participant Inclusion Plan (PIP) Discovery rate: 100%

The licensee reported the lethal take of one ‘ua‘u fledgling on November 27, 2024, aboard the Pride of America.

The licensee’s 5-year rolling average for both lethal and non-lethal take of ‘ua‘u indicates if take continues at the current rate, NCL will exceed the permitted take during the 30-

year license term. Adaptive Management is needed to increase minimization and reduce annual take to avoid exceeding the 30-year take request.

Seventy-three non-listed (not threatened or endangered) seabirds, predominantly Leach's storm petrels and wedge-tailed shearwaters, were downed aboard NCL vessels during 2024. Most birds were found on cabin balconies. Most of this fallout occurred during fledgling season; however, seabirds were also found aboard vessels in May through September. At the time of this report, DOFAW is still awaiting the positive identification of 20 Leach's storm petrels.

As mentioned in prior year's reports, NCL has had the unpermitted direct take of two adult 'a'o in 2022, plus the indirect take of one chick/egg because of the death of one of these 'a'o, and the unpermitted direct take of one adult 'akē'akē and one adult 'ua'u in 2023. Until and unless a permit amendment is issued, unauthorized take of any adult covered species is subject to penalty under Section 195D-9, Hawai'i Revised Statutes.

### **Downed Seabird Searches:**

Dedicated seabird searches are not conducted aboard NCL ships, as the licensee considers 100% of the ship is searched by staff and guests 100% of the time.

Beginning in 2025, NCL will utilize seabird decoys to reinforce seabird search and reporting protocols.

In August 2024, a seabird recovered from the *Pride of America* was left with security guards in Kahului Harbor for pick up by Hawai'i Wildlife Center (HWC). However, harbor security guards called Maui Nui Seabird Recovery Project and the bird was picked up before HWC arrived. As a result, NCL now utilizes a Chain of Custody form which states the entity responsible for downed wildlife pick up.

### **Honu Searches:**

N/A

### **Lighting:**

A seabird biologist contracted by NCL visits the ships at least two times per year to conduct a lighting audit and to provide training to the ship's staff on searching for and recovering downed birds.

On May 28, 2024, seabird biologist Dr. Adrian Gall of ABR Inc. performed a lighting audit aboard the *Pride of America*. Following the lighting audit, additional lights were turned off, shields were added to existing lights, and housekeeping staff were trained to draw blinds 30 minutes after sunset to reduce light spill from balcony windows.

On May 30, 2024, seabird biologist Dr. Dilek Sahin of the Kaua'i Endangered Seabird Recovery Project (KESRP) participated in a lighting audit aboard the *Pride of America*. During the visit, Dr. Sahin recommended reducing lighting on Deck 6, the evaluation deck. NCL reports that the lighting in this area must be maintained as required by the U.S. Coast Guard and its regulations and the International Convention for the Safety of Life at Sea (SOLAS) and cannot be further reduced.

In a letter from NCL dated February 18, 2025, NCL informed DOFAW of its intent to renovate a portion of the *Pride of America*. The renovation will convert the current "Teen Area" into 12 new staterooms with balconies and three new interior staterooms without balconies. Twenty-two lights associated with the "Teen Area" will be removed and 12 balcony lights will be installed. DOFAW is concerned with the addition of balconies and balcony lights as this is where most downed seabirds are discovered.

#### **Predator Control:**

N/A

#### **Staff Training and Guest Outreach:**

Dr. Gall provided an annual seabird search and response training to 1,247 staff members working aboard the *Pride of America* and *Norwegian Sun*.

During seabird season, a paragraph regarding seabirds and what to do if a seabird is found is included in NCL's daily onboard newspaper the *Freestyle Daily*.

#### **2023 ESRC recommendations resulting in licensee actions in 2024:**

N/A

#### **2023 ESRC recommendations not addressed in 2024:**

1. The ESRC recommends DLNR initiate a consultation regarding take not covered in the permit, specifically for adult 'a'o, 'ua'u, and 'akē'akē, and carry forward the ESRC request to consider an amendment to include, cover, and mitigate for adults.

*The licensee is considering a major amendment to request coverage and mitigate for adult 'a'o, 'ua'u, and 'akē'akē.*

2. The permittee provides agreed-upon documentation (protocol of diagnostic photos) to agencies to correctly identify take.

*The responding wildlife rehabbers provided photos regarding storm petrel identification; however, an agreed-upon protocol remains an ongoing discussion between the licensee, rehabbers, and DOFAW.*

### **DOFAW ISSUES & CONCERNS:**

1. The current rate of 'ua'u exceeds the 5-year rolling average, indicating NCL will exceed their permitted take before the 30-year license term.
2. NCL has had unpermitted take of adult 'a'o, 'ua'u, and 'akē'akē and has not pursued an amendment.
3. There is a high number of non-listed seabird take.

### **DOFAW RECOMMENDATIONS:**

DOFAW appreciates the additional lighting reduction implemented before the 2024 fledgling season and the planned use of seabird decoy searches during the upcoming 2025 fledgling season.

DOFAW recommends the following to NCL:

1. Continue to work with the U.S. Fish and Wildlife Service and DOFAW to identify and implement additional Adaptive Management measures, including further reducing lighting to lower the current rate of 'ua'u take.
2. Pursue a major amendment to cover take of adult seabirds. Implement seabird lighting protocols, staff training, and guest outreach for all NCL vessels during the entire seabird season (March 1 – December 15) to minimize the take of adult 'a'o, 'ua'u, and 'akē'akē
3. Because most downed seabirds are found on balconies, more outreach to guests to turn off balcony lights and close room curtains is needed. DOFAW recommends including this information in the guest orientation and on TV screens that rotate announcements in guest common areas.

If you have any questions, please contact Kelli Yamaguchi, Habitat Conservation Planning Program Associate, at [kelli.yamaguchi.researcher@hawaii.gov](mailto:kelli.yamaguchi.researcher@hawaii.gov).

Respectfully submitted,



DAVID G. SMITH  
Administrator