

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

June 12, 2020

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

SUBJECT: REQUEST FOR APPROVAL OF KAUA'I SEABIRD HABITAT CONSERVATION PLAN; ISSUANCE OF INCIDENTAL TAKE LICENSES TO ALEXANDER & BALDWIN, INC., COUNTY OF KAUA'I, HAWAII DEPARTMENT OF TRANSPORTATION, KAUA'I MARRIOTT RESORT (ESSEX HOUSE CONDOMINIUM CORPORATION), KAUA'I COFFEE COMPANY, LLC, NORWEGIAN CRUISE LINES (BAHAMAS) LTD., THE PRINCEVILLE RESORT KAUA'I, AND SHERATON KAUAI RESORT (STARWOOD RESORTS)

SUMMARY

Submitted for your approval is the Kaua'i Seabird Habitat Conservation Plan (KSHCP) and associated Incidental Take Licenses (ITLs). The purpose of the KSHCP is to provide for avoidance, minimization, mitigation, and monitoring of potential incidental take of three federally and state-listed threatened and endangered species (collectively Covered Seabirds):

- Newell's shearwater (*Puffinus auricularis newelli*, Hawaiian name: 'a'o)
- Hawaiian petrel (*Pterodroma sandwichensis*, Hawaiian name: 'ua'u)
- Band-rumped storm-petrel (*Oceanodroma castro*, Hawaiian name: 'akē'akē,)

HRS CHAPTER 343

Related to the activities under the KSHCP, and pursuant to Hawai'i Revised Statutes Chapter 343, a Draft Environmental Assessment (DEA), was released for public comment on April 8, 2020. The Final Environmental Assessment (FEA) and issuance of a Finding of No Significant Effect (FONSI) is expected to be issued by the Board on June 12, 2020, immediately prior to this agenda item.

INTRODUCTION

The KSHCP is an island-wide conservation program under which individual entities or applicants (hereafter Applicant(s)) may apply to receive an ITL authorizing the take of the Covered Species.

The problem that the KSHCP is designed to address is the impact to seabirds from artificial lights. From September 15- December 15, light attraction affects primarily birds that have just fledged from their burrows in the mountains and are making their maiden flight to the ocean, a journey meant to be undertaken in the dark with the moon as the only possible light source. When these fledgling birds encounter bright artificial lights, rather than make it to sea they are drawn to the lights and often wind up circling the lights until they fall to the ground exhausted, confused, and unable to take flight. Once grounded a fledgling is unlikely to be able to take flight without assistance. If the bird is not rescued, it will die from exposure and starvation or predation by loose cats and dogs. The KSHCP is intended to: reduce the amount of lighting that could attract fledglings; increase the chance of survival of any fledglings that are grounded because it is attracted to artificial lighting; and to mitigate for those birds that result in lethal take.

DISCUSSION

A. KAUAI SEABIRD HABITAT CONSERVATION PLAN

Under HRS chapter 195D-21(b)(1), the Board may enter into a habitat conservation plan if it determines that:

- (A) The plan will further the purposes of chapter 195D by protecting, maintaining, restoring, or enhancing identified ecosystems, natural communities, or habitat types upon which endangered, threatened, proposed, or candidate species depend within the area covered by the plan;
- (B) The plan will increase the likelihood of recovery of the endangered or threatened species that are the focus of the plan; and
- (C) The plan satisfies all the requirements of chapter 195D.¹

For over a decade, DLNR has been working with numerous entities on Kaua'i regarding the longstanding problem of seabird light attraction, the causes of light attraction, the regulatory status of seabirds, and opportunities to avoid and minimize the effects of light attraction on the listed species. In the course of that decade, over 100 businesses and other entities were contacted, resulting in many voluntary changes at facilities to avoid and minimize take of the Covered Species by installation of seabird-friendly lighting and an overall reduction in the number of lights on Kaua'i. Changes to lighting at some specific facilities were the result of litigation and settlement agreements. During the subsequent decade-long development process for the KSHCP, some entities have determined that minimization alone will not completely avoid lethal take of the Covered Species.

When take is incidental, and not the purpose of, the carrying out of an otherwise lawful activity, it can be authorized by a temporary license. HRS § 195D-4(g). An applicant seeking take authorization is expected to design, implement, and fund a conservation plan that minimizes and mitigates harm to the impacted species. In this case, rather than

¹ The requirements of chapter 195D and where in the plan those requirements are satisfied is contained in the chart attached as Exhibit A.

require each applicant to draft an individual plan, the KSHCP was developed to allow a single large-scale plan to accommodate multiple participants.

The KSCHP was developed to address artificial nighttime lighting threats, primarily the effect of light attraction on the Covered Seabirds, but also to address the effects of artificial lighting on the Hawaiian green sea turtle (*Chelonia mydas*, Hawaiian name: honu). Honu breed on Kaua'i and hatchlings may become disoriented by artificial night time lighting. No take of honu is anticipated under the KSHCP due to take avoidance and minimization provisions under the Plan.

Covered Activities addressed under the KSHCP are: (1) the placement and operation of current light structures that can cause disorientation of fledgling and adult seabirds, and hatchlings of the honu; (2) the placement and operation of new or future lights that have similar effects; and (3) implementation of conservation measures to mitigate the impacts of the taking on the Covered Species. The location of Covered Activities encompasses anywhere on the island of Kaua'i where light structures may occur, and State Lands where mitigation will occur.

Under the KSHCP, all types of artificial lighting including land-based lights found at parks, retail stores, resorts, condominium complexes, agribusiness, and industrial facilities can be covered, as well as lighting on ocean-going vessels such as cruise ships. Outdoor lighting fixtures may include, but are not limited to parking lot lights; security lights; spotlights, and floodlights; building and structural, architectural, and other facility lights; landscape lighting; recreational lights; and signage lights.

KSHCP Covered Species.

Hawaiian name	Common Name	Latin Name	Conservation Status	Maximum Lethal Take over 30 year Permit Term
'a'o*	Newell's shearwater	<i>Puffinus auricularis newelli</i>	Threatened	900 Fledglings 10 Adults/Sub-adults
'ua'u	Hawaiian petrel	<i>Pterodroma sandwichensis</i>	Endangered	60 Fledglings 10 Adults/Sub-adults
'akē'akē	band-rumped storm-petrel	<i>Oceanodroma castro</i>	Endangered	30 Fledglings 3 Adults/Sub-adults
honu	green sea turtle	<i>Chelonia mydas</i>	Threatened	N/A

Applicants seeking ITLs under the KSHCP are seeking authorization for take of the Covered Seabirds that is incidental to otherwise legal activity under the specific terms and conditions defined by the KSHCP. Under the KSHCP, the impacts of any authorized incidental taking of the Covered Seabirds will be minimized and mitigated to the maximum extent practicable and offset with a net recovery benefit for the species affected. The duration of the Plan is 30 years; however, the term of individual permits under the Plan may vary within that 30-year KSHCP period. Other components of the

HCP specific to individual Applicants include minimization and monitoring at Applicant facilities.

Initial Applicants have each submitted an applicant-specific PIP meant to provide specific detailed information on outdoor lighting and the measures to avoid or minimize the impacts of light attraction specific to their facilities on the Covered Species. The PIPs detail the take requested and identify lethal and non-lethal estimates of take. The PIPs also commit each applicant to implementation of take avoidance and minimization measures with compliance monitored regularly, and assure adequate funding to support implementation of KSHCP conservation measures to mitigate for the effects of their unavoidable lethal take of the Covered Species.

MINIMIZATION

- Participants will avoid and minimize take impacts to the Covered Species caused by nighttime lighting on Kaua'i to the maximum extent practicable. Avoidance actions are those that will eliminate take due to light attraction, such as turning nighttime lights completely off during the fledgling season. Minimization actions fall into two main goals; modification of lighting (timing, structure, intensity) to reduce the number of birds grounded, and recovering grounded birds to increase the likelihood that they survive the ordeal. Table 5-1 in the KSHCP outlines the avoidance and minimization objectives: Avoid and minimize the impacts of the taking of Covered Seabirds due to light attraction by removing or turning off lighting, and altering light structure and function by the end of Year 1, as specified in PIPs.
- Minimize mortality of Covered Seabirds downed due to light attraction by implementing actions to reduce presence of free-roaming seabird predators such as cats and dogs at Participant facilities, as specified in PIPs.
- Minimize mortality of Covered Seabirds downed due to light attraction by conducting annual Worker Seabird Awareness and Response Training (WSART), as specified in PIPs.
- Minimize mortality of Covered Seabirds downed due to light attraction by implementing seabird awareness outreach to the public, guests, and customers at Participant facilities as specified in PIPs.
- Avoid and minimize honu hatchling disorientation due to lighting at beachfront facilities by implementing best lighting practices as specified in PIPs, and protecting any nests at facilities via shielding as needed
- Minimize mortality by implementing recovery and release of Covered Seabirds downed due to light attraction through the Save Our Shearwaters (SOS) program or other certified rehabilitation facility.

Applicants have each submitted an applicant-specific PIP providing specific detailed information on outdoor lighting, including: light type, quantity, location, purpose, and light output. The PIPs describe the lighting standards required for facility operations or other requirements that necessitate the use of lighting (e.g., required for security, safety, or operations), and any plans for future lights.

Finally, the PIPs describe the measures to avoid or minimize the impacts of light attraction specific to their facilities on the Covered Species. Possible avoidance and minimization measures include, but are not limited to, deactivation of non-essential lights during fledging season, installation of full cut-off light fixtures, shielding of light fixtures, moving the light fixtures, decreasing lighting levels, and installation of motion sensors to trigger light activation. The PIPs will identify the timing for implementation of take avoidance and minimization measures, and compliance with the minimization plan will be monitored yearly.

All minimization measures will be implemented within Year 1 of permit issuance and maintained throughout the life of the permit. Compliance with the avoidance and minimization measures in PIPs will be monitored and reported annually.

MITIGATION

For authorized impacts to the covered species that cannot be avoided or minimized, Participants will mitigate by enhancing, protecting and managing suitable seabird breeding habitat on Kaua'i to facilitate successful production of fledglings at a level that over the 30-year term of the Plan exceeds the impacts of light attraction take caused by Covered Activities on the production of fledglings in the wild. Instead of each Applicant doing small-scale individual mitigation projects with limited benefit, Applicants will contribute funding proportional to their lethal take request, and using the pooled resources, a contracted implementation entity (Prime Contractor) will:

- Construct a predator-proof fence and install social attraction equipment (nest boxes, speakers) within the fenced area at the 2ha mitigation site
- Remove predators from within the fenced enclosure and maintain predator-free status within fenced enclosure for the life of the project
- Monitor Covered Seabird ground activity, breeding, and reproductive trends at the mitigation site
- Remove and control invasive plants throughout the plan duration
- Protect nesting birds inside mitigation fence and in nearby source colonies by implementing predator control of 1) barn owls within the area surrounding the fenced enclosure and the Kalalau Valley, and 2) feral cats at ingress points to source colonies in the Kalalau Valley, throughout the duration of the plan.

The proposed mitigation site (Kahuama'a Seabird Preserve) is located near the terminal end of Highway 550, within the DLNR Division of State Parks – Kōke'e State Park and the Nā Pali Coast State Park, between the Kalalau and Pu'u O Kila visitor lookouts. The site was selected based on suitability of habitat, feasibility of access, high levels of nearby breeding activity of Newell's shearwater and Hawaiian petrel, and the relative absence of artificial light at the mitigation site as well as the flyway to and from the ocean. State Parks has indicated in preliminary discussions that they would be supportive of a request for a lease for the mitigation site. If the HCP is approved, a request for a lease for the mitigation site will follow.

MONITORING AND ADAPTIVE MANAGEMENT

The HCP outlines detailed monitoring and reporting protocols to account for injury or mortality to the covered species, as well as to ensure avoidance, minimization, and mitigation measures are being accomplished and goals and objectives are being met. Compliance and effectiveness monitoring will be conducted to ensure that authorized amounts of incidental take are not exceeded and to enable the wildlife agencies to determine if mitigation actions are meeting the conservation goals of the Plan.

The HCP also provides for adaptive management procedures to be implemented in the event that monitoring indicates the minimization or mitigation actions are not likely to meet the conservation goals of the KSHCP. Adaptive approaches to management recognize that the answers to all management questions are not known and that the information necessary to formulate answers is often unavailable. Adaptive management also includes, by definition, a commitment to change management practices when determined appropriate.

B. INCIDENTAL TAKE PERMITS

Pursuant to §195D-4(g): After consultation with the endangered species recovery committee, the board may issue a temporary license as a part of a habitat conservation plan to allow a take otherwise prohibited if the take is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.²

Participant Inclusion Plans (PIPs) have been received from the following entities:

Alexander & Baldwin, Inc.
County of Kaua'i
Hawai'i Department of Transportation
Kaua'i Marriott Resort (Essex House Condominium Corporation)
Kaua'i Coffee Company, LLC
Norwegian Cruise Lines (Bahamas) Ltd.

² The specific requirements of HRS § 195D-4(g) and where they are satisfied in the KSHCP are set forth in Exhibit A.

The Princeville Resort Kaua'i
Sheraton Kauai Resort (Starwood Resorts)

To address the requirements of HRS § 195D-4(g) that were not addressed in the KSHCP, the following content was required to be included in each Applicant's PIP:

- Facility ownership and contact information;
- Maps and legal descriptions (such as Tax Map Key) of the property boundaries;
- Maps depicting the locations of the Covered Activities (lights and utilities);
- A thorough and complete description of the Covered Activities, both existing and proposed over the life of the 30 year KSHCP duration;
- A minimization plan for the Covered Activities to reduce the effects of the activities, based on KSHCP guidelines. This section of the PIP will also describe alternatives to the taking that were considered and the reasons these alternatives were not selected;
- Honu minimization and monitoring plan (if applicable);
- Description of training for staff, and any outreach for guests/clients/residents that will occur to maximize seabird recovery at the facility through increased awareness;
- Predator control plan;
- Incidental take estimates for the Covered Species
- The amount of incidental take authorization requested by species class;
- An incidental take monitoring plan that is based on KSHCP guidelines; and
- A description of the mechanisms that will assure funding over the requested ITP/ITL term

A summary of the applicant PIPs is attached as Exhibit B

The actual PIPs are included as Appendix H of the KSHCP and can be found at:
<https://dlnr.hawaii.gov/wildlife/hcp/draft-hcps/>

ENDANGERED SPECIES RECOVERY COMMITTEE (ESRC)

The ESRC is composed of biological experts, representatives of relevant Federal and State agencies (i.e., USFWS, USGS, DLNR), and appropriate governmental and non-governmental members to serve as a consultant to the DLNR and the BLNR on matters relating to endangered, threatened, proposed and candidate species. HRS § 195D-25.

Duties of the ESRC include reviewing all applications for HCPs and ITLs, and making recommendations to the BLNR on whether they should be approved, amended or rejected; reviewing all existing HCPs and ITLs annually to ensure compliance, and making recommendations for any necessary changes; and considering and recommending appropriate incentives to encourage landowners to voluntarily engage in efforts that restore and conserve endangered, threatened, proposed, and candidate species. Hence, the ESRC plays a significant role in the HCP planning process. The Applicants have met with the ESRC several times during the preparation of this plan, and the resulting KSHCP and ITLs reflect the amendments requested by the ESRC prior to its approval on

May 18, 2020. These amendments were made to address the comments received and the concerns of the ESRC members.

PUBLIC PROCESS

- The ESRC conducted public meetings on December 6, 2010, October 23, 2014, December 17, 2015, February 25, 2016, June 9, 2016, and December 9, 2016, where the development and status of the KSHCP was an agenda item for discussion and subject to public comment.
- Pursuant to HRS § 195D-21(a), on September 8, 2019 the Division released the draft HCP and PIPs for 60-day public comment period in the Office of Environmental Quality Control (OEQC) Environmental Notice. The public review period resulted in written comments submitted by Earth Justice, Center for Biological Diversity, Helen Raine, Andrea Erichsen, and Kauai Island Utility Cooperative. The Division and applicant have addressed comments as necessary as reflected in the HCP.³
- Pursuant to §195D-25(b)(1) the ESRC held public meetings to discuss the Draft KSHCP on September 30, and the PIPs on October 23, 2019.
- Pursuant to §195D-25(b)(1) conducted site visits October 7-8
- Pursuant to §195D-4(g) DOFAW held a public hearing on Kauai October 20 2019.
- At the May 18, 2020, Endangered Species Recovery Committee (ESRC) meeting, the ESRC recommended the Board approve the KSHCP and PIPs with amendments that are reflected in the KSHCP and ITLs.

Based on the above, the KSHCP meet the requirements contained in HRS chapter 195D and the Applicant PIPs meet the requirements for issuance of ITLs pursuant to HRS § 195D-4(g).

RECOMMENDATION:

That the Board:

1. Approve the Kauai Seabird Habitat Conservation Plan (KSHCP) for island of Kauai, Hawai'i

By approval of the KSHCP the Board makes the following determinations under HRS § 195D-21(b)(1)(A-C):

³ The full text of the public comments received can be found at:
<https://dlnr.hawaii.gov/wildlife/hcp/draft-hcps/>

- (A) The plan will further the purposes of this chapter by protecting, maintaining, restoring, or enhancing identified ecosystems, natural communities, or habitat types upon which endangered, threatened, proposed, or candidate species depend within the area covered by the plan;
- (B) The plan will increase the likelihood of recovery of the endangered or threatened species that are the focus of the plan; and
- (C) The plan meets all requirements of chapter 195D.

The Board also finds that the habitat conservation plan contains sufficient information for it to ascertain with reasonable certainty the likely effect of the plan upon any endangered, threatened, proposed, or candidate species in the plan area and throughout its habitat range.

By approval of the individual KSHCP the Board further determines that the KSHCP meets all the requirements of HRS § 195D-21(b)(2) and (c).

2. Approve the issuance of Incidental Take Licenses (ITL) to each of the following:

Alexander & Baldwin, Inc.
County of Kauai
Hawai'i Dept. of Transportation
Kaua'i Marriott Resort (Essex House Condominium Corporation)
Kaua'i Coffee Company, LLC
Norwegian Cruise Lines (Bahamas) Ltd.
Princeville Resort Kaua'i
Sheraton Kauai Resort (Starwood Resorts)

By approval of the individual ITLs the Board further determines that each of the applicants meet all of the requirements of HRS § 195D-4(g) and are eligible for the issuance of an ITL as part of the KSHCP.

The ITLs shall incorporate the terms and conditions contained in the KSHCP and each Applicant's PIP and such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,

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David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

Suzanne D. Case

SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachment A: Ch195D analysis

Attachment B: Summary of Participant Inclusion Plans

Attachment C: Supplemental letter from A&B

ISSUANCE CRITERIA FOR THE KAUAI SEABIRD HABITAT CONSERVATION PLAN AND INCIDENTAL TAKE PERMITS

§195D-21(b)(2) Each habitat conservation plan shall:

Requirement/Criteria	KSHCP Provision(s)
(A) Identify the geographic area encompassed by the plan; the ecosystems, natural communities, or habitat types within the plan area that are the focus of the plan; and the endangered, threatened, proposed, and candidate species known or reasonably expected to be present in those ecosystems, natural communities, or habitat types in the plan area;	<p>Plan area encompasses all of Kauai. Covered activities are lighting (3.1.1) and conservation activities (3.1.2)</p> <p>Island environmental setting is described in 2.1.</p> <p>Map and location, site selection criteria, and habitat description of mitigation site is identified in 5.4 and Appendix A</p> <p>Participant facility maps and descriptions are located in the PIPs, located in Appendix __</p>
(B) Describe the activities contemplated to be undertaken within the plan area with sufficient detail to allow the department to evaluate the impact of the activities on the particular ecosystems, natural communities, or habitat types within the plan area that are the focus of the plan	<p>Conservation program activities outlined in 3.1.2</p> <p>Effects of the conservation program (4.1) and impact of the take (4.2) on the covered species.</p> <p>Biological objectives listed in table 5-1</p> <p>Management plan for mitigation site (Appendix A)</p>
(C) Identify the steps that will be taken to minimize and mitigate all negative impacts, including without limitation the impact of any authorized incidental take, with consideration of the full range of the species on the island so that cumulative impacts associated with the take can be adequately assessed; and the funding that will be available to implement those steps	<p>Minimization: lighting modifications (5.3.1), recovery and release of downed birds (5.3.4), predator control (5.3.2), outreach (5.3.4)</p> <p>Mitigation (5.4): Establish predator-free seabird preserve, install burrows and social attraction mechanism, conduct predator control</p> <p>Take impacts in relation to island-wide seabird population (4.2.2)</p> <p>Funding and financial assurances for mitigation and changed circumstances (7.1); and funding for actions of individual participants (7.2)</p>
(D) Identify those measures or actions to be undertaken to protect, maintain, restore, or enhance the ecosystems, natural communities, or habitat types within the plan area; a schedule for implementation of the measures or actions; and an adequate funding source to ensure that the actions or	<p>Mitigation measures (5.2, 5.4.1, and Appendix A): construct predator-free enclosure, remove invasive plants, install artificial burrows, install and operate social attraction system, control nearby predators, and maintain high quality habitat throughout the permit term.</p>

Requirement/Criteria	KSHCP Provision(s)
measures, including monitoring, are undertaken in accordance with the schedule	Schedule of implementation (4.1.1 and table 5-1). Funding for shared-cost components (7.1)
(E) Be consistent with the goals and objectives of any approved recovery plan for any endangered species or threatened species known or reasonably expected to occur in the ecosystems, natural communities, or habitat types in the plan area	The KSHCP conservation measures follow the goals and objectives of approved recovery plans for the Covered Species (5.2) and the USFWS Newell's Shearwater Landscape Strategy (4.1.1) Mitigation site will be monitored for other listed species (3.1.2)
(F) Provide reasonable certainty that the ecosystems, natural communities, or habitat types will be maintained in the plan area, throughout the life of the plan, in sufficient quality, distribution, and extent to support within the plan area those species typically associated with the ecosystems, natural communities, or habitat types, including any endangered, threatened, proposed, and candidate species known or reasonably expected to be present in the ecosystems, natural communities, or habitat types within the plan area	The conservation program is based on the best scientific information available, and includes detailed minimization measures (5.3), mitigation measures (5.4), monitoring (6.8), and adaptive management requirements based on monitoring results (6.9). The mitigation measures provide: <ul style="list-style-type: none"> • Increased acreage for permanent protection and enhancement of native habitat • Improved reproductive success for native species within the preserve • Improved population recovery of nearby seabird colonies through protection from predation Financial assurances (7.1) ensure implementation of the above. Collectively, these provide reasonable certainty.
(G) Contain objective, measurable goals, the achievement of which will contribute significantly to the protection, maintenance, restoration, or enhancement of the ecosystems, natural communities, or habitat types; time frames within which the goals are to be achieved; provisions for monitoring (such as field sampling techniques), including periodic monitoring by representatives of the department or the endangered species recovery committee, or both; and provisions for evaluating progress in achieving the goals quantitatively and qualitatively	Objective, measurable goals: <ul style="list-style-type: none"> • Minimization: lighting modifications (5.3.1), recovery and release of downed birds (5.3.4), predator control (5.3.2, outreach (5.3.4) • Mitigation (5.4): Establish predator-free seabird preserve, install burrows and social attraction mechanism, conduct predator control Time frames: <ul style="list-style-type: none"> • Minimization (5.3.1): all minimization within one year of ITL issuance • Mitigation (4.1.1, 7.5): Site construction completion year 1, social attraction installed by

Requirement/Criteria	KSHCP Provision(s)
	<p>year 2, predator control throughout the permit term</p> <p>Monitoring:</p> <ul style="list-style-type: none"> • Monitoring for compliance with terms of the KSHCP (6.8.1) • Monitoring the effectiveness of the minimization and mitigation activities (6.8.2) • Monitoring of incidental take (6.8.3) at participant facilities • Annual ESRC review (6.1.4) • Agency technical assistance, review, and monitoring (6.1.3.1) <p>Evaluation of progress: Annual reports (6.6.2)</p>
(H) Provide for an adaptive management strategy that specifies the actions to be taken periodically if the plan is not achieving its goals	Section 6.9 contains adaptive management criteria and responses for minimization (6.9.1) and mitigation (6.9.2) measures

Issuance Criteria §195D-4(g) After consultation with the endangered species recovery committee, the board may issue a temporary license as a part of a habitat conservation plan to allow a take otherwise prohibited by subsection (e) if the take is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity; provided that:

Requirement/Criteria	KSHCP Provision(s)
(1) The applicant, to the maximum extent practicable, shall minimize and mitigate the impacts of the take	<p>7.2: Minimization measures consist of lighting minimization; recovery of downed seabirds and their transportation to SOS or another appropriate facility; predator control at facilities; outreach and worker training; and honu actions if applicable. These measures will be implemented by the Participants within one year of issuance of ITL.</p> <p>Many participants have already completed significant minimization.</p>
(2) The applicant shall guarantee that adequate funding for the plan will be provided	<p>Estimated shared-cost budget (Appendix G)</p> <p>Funding assurances for shared cost components (7.1)</p> <p>Funding for non-shared costs are required in the PIPs</p>

Requirement/Criteria	KSHCP Provision(s)
(3) The applicant shall post a bond, provide an irrevocable letter of credit, insurance, or surety bond, or provide other similar financial tools, including depositing a sum of money in the endangered species trust fund created by section 195D-31, or provide other means approved by the board, adequate to ensure monitoring of the species by the State and to ensure that the applicant takes all actions necessary to minimize and mitigate the impacts of the take	7.1: Participants will make payments to the KSHCP Reserve Account to provide Financial Assurances (three years of annual payments) and provide a fund for Changed Circumstances and Adaptive Management (the cost of one complete fence and social attraction equipment replacement)
(4) The plan shall increase the likelihood that the species will survive and recover	<p>Lighting minimization and downed-bird recovery will reduce mortality and contribute to recovery of the species (4.1.3)</p> <p>The planned mitigation benefits were estimated in terms of the increase in protected habitat as well as enhancement of the reproduction, numbers and distribution within the Preserve compared to existing baseline conditions for the species in this region of Kaua'i (4.1.1)</p> <p>The overall effects of the take and the conservation program on the 'a'o population would result in a net benefit of fledglings over the 30-year period (Appendix C)</p>
(5) The plan takes into consideration the full range of the species on the island so that cumulative impacts associated with the take can be adequately assessed	Effects of the covered activities on the covered species for participant activities (4.1.1) and conservation activities (4.1.2) are evaluated for the entire island.
(6) The measures, if any, required under section 195D-21(b) shall be met, and the department has received any other assurances that may be required so that the plan may be implemented	<u>See above</u> re 195D-21(b) requirements.
(7) The activity, which is permitted and facilitated by issuing the license to take a species, does not involve the use of submerged lands, mining, or blasting	N/A
(8) The cumulative impact of the activity, which is permitted and facilitated by the	The mitigation is expected to facilitate successful seabird reproduction and survival to an extent that provides a net conservation benefit over the 30-year duration of the Plan relative to the number of Covered

Requirement/Criteria	KSHCP Provision(s)
license, provides net environmental benefits	<p>Seabirds that are likely to be subject to take due to nighttime lighting activities on Kaua'i (4.1).</p> <p>The overall effects of the take and the conservation program on the 'a'o population would result in a net benefit of fledglings over the 30-year period (Appendix C)</p>
(9) The take is not likely to cause the loss of genetic representation of an affected population of any endangered, threatened, proposed, or candidate plant species	Not applicable, this HCP is island wide, does not address genetically distinct sub-populations

Alexander & Baldwin, Inc.

DESCRIPTION AND COVERED ACTIVITIES

Alexander & Baldwin (A&B) is seeking coverage for lighting at the following facilities:

Port Allen Solar Farm

Port Allen Center I and II (commercial/warehouse facilities)

Port Allen Parking Lots

Port Allen Steel Warehouse (commercial/warehouse facilities)

Port Allen South Parcels

Port Allen Marina Center (commercial/retail center)

Pump 3 Hanapepe Valley (irrigation pump station)

Kalaheo Powerhouse (hydroelectric plant)

Wainiha Powerhouse (hydroelectric plant)

Hokulei Shopping Village (shopping center)

The Shops at Kukui'ula (retail center)

Waipouli Town Center, Kapaa (shopping center)

Kukui'ula Development (Plantation Core/The Club)

BEACHFRONT TURTLE MEASURES

Some parcels at Port Allen have shoreline frontage, approximately 60 feet of beach and the remaining shoreline rocky. A&B does not have lights adjacent to rocky shoreline or near the beach. Turtle monitoring is not applicable.

MINIMIZATION

Lighting

At Port Allen, where possible lights are off during fallout season. Some of the unshielded lighting was replaced with LED that are dark sky compliant. Select streetlights are fully shielded. Additional fixtures will either be replaced, modified to make them dark sky compliant, or deactivated. At the marina center, bulb wattage has been lowered, and during the fledgling season half the lights are turned off at 9pm. At powerhouse and pump facilities, nighttime lights are off by default and only on if needed. At retail/shopping/development sites, many lights are

dark-sky compliant, use low wattage LED bulbs, and cannot be seen from the sky. A&B will complete its lighting minimization by the end of Year 1.

Outreach/Awareness

Seabird Awareness training will be conducted for employees and operators once a year. Seabird awareness pamphlets will be distributed to employees, tenants, contractors for posting in conspicuous locations.

Predator Control

A&B will meet the goal stated in KSHCP (Biological Goals), “implementation of actions to reduce presence of free-roaming seabird predators.” However at Port Allen and Waipouli Town Center, effective predator control will be challenging due to feral cat colonies being maintained in close proximity.

Search and Recovery

Where applicable (lights in use), searches will be at least twice daily.

TAKE REQUEST

Newell’s Shearwater (lethal/non-lethal)	104 / 80
Hawaiian Petrel (lethal/non-lethal)	3 / 3
Band-rumped Storm Petrel	1 / 1

County of Kaua`i

DESCRIPTION AND COVERED ACTIVITIES

The County of Kaua`i has numerous facilities, which have been divided into 5 categories for discussion in the PIP:

Category 1: Unlit facilities

Category 2: Minimal and/or infrequently used lighting, low wattage (<100w) bulbs, many under overhangs. Examples: bus stops, base yards, some beach parks

Category 3: Limited lighting; more lumens and use-time than category 2, but able to be retrofitted or managed to limit stray light.

Category 4: Substantial lighting: Exterior and court lighting, multiple high intensity lights covering significant area

Category 5: High intensity stadium and field lighting, numerous frequently used lights on high poles

BEACHFRONT TURTLE MEASURES

Not applicable. Of all the known nesting locations on Kaua'i, only two are adjacent to land owned by the County, Salt Pond Park and Wailua Beach Park, which are not lighted during the turtle nesting season and, thus, do not have the potential for light attraction.

MINIMIZATION

Lighting

For all County facilities listed in Categories 2 and 3, over time the County will replace all lighting so as to comply with KSHCP recommendations for full cut-off fixtures; this will be done as the existing fixtures reach the end of their useful lives. These retrofits will occur as part of the normal renovation and replacement of County facilities, or sooner where any specific problem of take might occur. All such replacements are anticipated to be completed within ten (10) years of issuance of an ITP/ITL the County is requesting. Finally, in addition to the physical changes, the County has altered its operations and the use of its facilities as much as it possibly can while prioritizing and ensuring the public's safety.

The County has retrofitted all but one of its Category 4 and 5 facilities with shielded lighting. The exception is Waimea Tennis Courts, which will not be allowed for light use at all during the fledgling season. Lighting has been removed altogether from the Wai'oli Town Park (Basketball Court) after it was decided that the facility no longer needed to be available for nighttime use. Furthermore, a new light control system has been installed and implemented at most of the Category 4 and 5 facilities to ensure lights are off during seabird season. In addition, the County has already implemented procedures to minimize use of all of its lights at all of its facilities, and the County now requires all of its new facilities to comply with KSHCP recommendations for full cut-off fixtures to minimize light pollution.

Outreach/Awareness

The County of Kaua'i is investigating the possibility of adding advisory language to certain building and development permit forms that will inform applicants that all property owners must comply with federal and state endangered species requirements. The language could be modeled on the following language that is currently included in County Film Permit applications

The County will provide educational flyers to all organizations that use Category 3, 4, and 5 facilities. The flyers will inform the users of the possible presence of Covered Species, the impacts of the use of lights during the fledgling season, and what to do should the users see seabirds being impacted by the lights. In addition, the County will post signage at all lighted softball fields, basketball courts, and tennis courts, where users are able to manually turn on the lights.

Predator Control

The County will deploy traps, as necessary, or other appropriate mechanisms during the seabird fallout period to reduce the presence of predators at facilities where minimization measures are not likely to result in the avoidance of seabird take. It is unlawful for any person to release any domestic animal at County parks and recreation facilities.

Search and Recovery

Category 1&2: no searching

Category 3: If a report is received during the fledgling season, then searches will be conducted daily in an area up to 10 feet around the area where downing was reported.

Category 4: If a report is received during the fledgling season, then searches will be conducted daily on the entire site. 1-2 searches will search in the morning before the start of the shift.

Category 5: If the facility is in use during the fledgling season, then the grounds will be searched immediately after the lights are turned off and in the morning prior to the start of the shift.

Upon issuance of an ITL/ITP, all County personnel that are required to perform self-monitoring tasks, will receive annual training in August.

Discovery rate is estimated at 50%.

TAKE REQUEST

Newell's Shearwater (lethal/non-lethal)	276 / 217
Hawaiian Petrel (lethal/non-lethal)	17 / 4
Band-rumped Storm Petrel	4 / 0

Hawaii Department of Transportation

DESCRIPTION AND COVERED ACTIVITIES

Hawaii Department of Transportation (HDOT) properties to be included are Lihue international airport, and the deep-draft commercial harbors at Nawiliwili and Port Allen. Nawiliwili harbor is the island's primary maritime cargo and cruise port. Port Allen serves military, petroleum, and commercial charter vessels.

BEACHFRONT TURTLE MEASURES

Not applicable. All covered properties have waterfront, but do not have beach habitat suitable for turtle nesting.

MINIMIZATION

Lighting

Nawiliwili Harbor already has completed a lighting upgrade to full cut-off LED lights. The harbor has replaced high-mast flood lighting in the cargo operations areas with high-mast, full cut-off LED fixtures that are dimmed unless cargo or passenger operations are in progress.

Port Allen southern berths are illuminated by wall-mounted shed lights, which have been upgraded to full cut-off fixtures. The pier shed has flood lights that illuminate the parking area and are installed with an aiming angle to achieve full cut-off functionality. HDOT-H will investigate if additional shielding may reduce horizontal light escapement within safety and security lighting requirements.

At Lihue airport, The Airport Operations Center turns off the high-mast apron lights when they are not required for aircraft servicing and apron operations, during the seabird fallout season, after the last nightly flight has departed. Terminal building dims to 10% when not occupied. Parking lot lights are downward facing, full cutoff.

Outreach/Awareness

HDOT will contract with U.S. Department of Agriculture (USDA) Wildlife Services (WS) or other contractor to provide outreach materials and annual seabird awareness training to all staff and tenants during August. Staff and tenants are given summary orientation that enables them to identify seabird species and written instructions on how to handle and report observations or encounters with grounded seabirds. All new hires during fallout season will be shown the training slideshow on first day of work by the trainer, or human resources office.

Predator Control

At the airport, USDA-WS conducts animal control as part of its management responsibility. Animal control includes trapping and removing cats and conducting surveillance to detect and remove dogs that may enter the airfield and introduced barn owls that may present a hazard to aircraft operations and downed seabirds. HDOT-Harbors will contract with USDA Wildlife Services (WS) or another contractor to conduct animal control. Animal control includes trapping and removing stray cats and dogs roaming at the facilities. All rubbish is contained in sealed depositories that are removed routinely by the County

Search and Recovery

Searching will be contracted to USDA-WS or other contract wildlife monitor. At Port Allen foot searched will be done twice nightly. At Nawiliwili one nightly dedicated search 2-4 hours after sunset, plus hourly security patrols. At Lihue airport, one nightly dedicated search 2-4 hours after sunset, plus regular patrols by both USDA and security staff, including the 2 hour period before sunrise.

Discovery rates estimated: Nawiliwili Harbor 90%, Lihue Airport 75%, Port Allen Harbor 50%.

TAKE REQUEST

Newell's Shearwater (lethal/non-lethal) 103 / 144

Hawaiian Petrel (lethal/non-lethal)	5 / 12
Band-rumped Storm Petrel	1 / 2

Kauai Marriott Resort

DESCRIPTION AND COVERED ACTIVITIES

The Kaua'i Marriott Resort consists of a hotel and typical resort amenities lighting located in Nawiliwili fronting Kalapaki Beach. The property covers 41 acres of which the buildings comprise approximately 6.4 acres. Outdoor lighting includes lighting for the parking lots & delivery areas, grounds, buildings, and walkways. The property is landscaped throughout.

BEACHFRONT TURTLE MEASURES

Kalapaki Beach is approximately ¼ mile long and is located fronting the swimming pool, but separated from the Resort proper by a paved walkway. Facilities adjacent to the beach include the pool, pool restaurant, pool activity desk and pool walkway, restaurants and hotel structures. Honu monitoring and minimization measures are described in the PIP.

MINIMIZATION

Lighting

The resort has replaced a very large number of lights on and in the resort to reduce the amount of stray light being produced. Window blinds or curtains have been placed in rooms in the resort reducing the visible lighting from outside the hotel. Windows have been tinted. Bulbs have been reduced in lumens over the past 10 years. All upward pointing lights have been removed or are turned off during seabird fledging season. Lighting is evaluated annually, and most avoidance and minimization measures have already been implemented

Outreach/Awareness

Resort developed Standard Operating Procedures (SOP) in 2008 for patrolling, monitoring, documenting and reporting downed seabirds during the fledgling flight season. Worker Seabird Awareness and Response Training (WSART) is given to the appropriate facility staff prior to the start of each seabird fallout season. The training includes: regulatory setting, consequences for noncompliance, standard monitoring, response, and reporting procedures, techniques for proper handling of downed seabirds, personal protection, agency contacts and facility locations. This training will be provided to the engineering staff, Director of Global Safety & Security, security personnel, grounds crew, and any staff tasked with outdoor work around the properties.

Predator Control

The Kaua'i Marriott actively removes or otherwise controls free-roaming predatory animals at its facility. Cat traps are deployed as needed. The resort has committed to meet the biological goals and

objectives in Table 5-1 of the KSHCP to “Minimize mortality of Covered Seabirds downed due to light attraction by implementing actions to reduce the presence of free-roaming seabird predators such as cats and dogs at Participant facilities.” The resort has also committed to meeting the requirement in Section 5.3.2 of the KSHCP that “All measures to reduce presence of predators must be implemented within Year 1 of an ITP/ITL.” The resort is implementing measures to prohibit the outdoor feeding of predatory animals. Resort staff are trained that feeding of predatory animals is not allowed, and security will monitor compliance with this conservation measure.

Search and Recovery

4 staff (safety security officers, supervisor, and engineer) make regular patrols of the property and are expected to be vigilant about looking for downed seabirds, including bush areas, during their shifts. Discovery rate is estimated at 50%.

TAKE REQUEST

Newell’s Shearwater (lethal/non-lethal)	33 / 22
Hawaiian Petrel (lethal/non-lethal)	1 / 1
Band-rumped Storm Petrel	1 / 1

Kauai Coffee Company LLC

DESCRIPTION AND COVERED ACTIVITIES

Covered property is an agricultural coffee orchard, retail shop, and facility for processing coffee cherries. There is no beachfront property or lighting.

BEACHFRONT TURTLE MEASURES

Not Applicable

MINIMIZATION

Lighting

Facility security lights and harvester lights are angled down and out and shielded where applicable. Night harvest operations are delayed until 4 hours after sunset for three days either side of the October and November new moon.

Outreach/Awareness

Manager and supervisors ensure awareness through training of all shift personnel. Bird search integrated into shift change operations in harvesting and processing.

Predator Control

Kaua'i Coffee will remove and control free-roaming predatory animals at the facility by trapping feral cats. Traps at factory sites will be checked daily multiple times throughout the day. Kaua'i Coffee will prohibit the outdoor feeding of predatory animals. This minimization measure is integrated into the training plan for the facilities. Signs will be posted at time clocks, email blasts and reminders will be sent weekly before shift safety meeting by department managers.

Search and Recovery

Searches for downed Covered Species will be integrated into shift change operations in harvesting and processing. Searches, recovery, and reporting will occur at all shift changes for all lighted areas twice per day at 5:30 pm and 5:30 am. Ten searchers will conduct searches in the harvesting areas; 20 searchers will conduct searches in the processing area. Harvesting supervisors will be responsible for field/farm self-monitoring. Harvesting night shift supervisor will be actively searching in the vicinity of harvesting operations throughout the field and on routes to and from the factory and or shop areas. Searches will be done daily on scheduled work days, throughout the night shift (6:00 pm – 4:30 am) and beginning of the day shift (6:00 am – 9:00 am). Discovery rate estimated at 50%.

TAKE REQUEST

Newell's Shearwater (lethal/non-lethal) 34/27

NCL (Bahamas) Ltd.

DESCRIPTION AND COVERED ACTIVITIES

NCL is seeking coverage for all activities associated with operating the U.S flagged "Pride of America" cruise ship in Hawaiian waters. These activities include, but are not limited to the following: general operation of the ship, port layovers, as well as all physical vessel maintenance activities. On board ship lighting that may potentially attract seabirds include lights that are on exterior locations on decks, as well as in-cabin lighting that may be visible when curtains are not closed. The 15-deck, 920 ft cruise vessel is home ported in Honolulu, and visits all of the main Hawaiian Islands on a weekly basis.

BEACHFRONT TURTLE MEASURES

Not Applicable

MINIMIZATION

Lighting

Lighting modifications on the ship are limited by Coast Guard regulations and passenger safety requirements. Exterior globe lights and half-moon lights were changed to emit a low blue light. Seabird season lighting protocols include the turning off and in some instances the dimming of certain lights, reducing overall wattage to 68% during the fledgling fallout season.

Outreach/Awareness

A seabird awareness training program is conducted for all crewmembers from the Captain down to the cabin stewards once a year just prior to the start of the seabird seasons. If crew members join the ship for their tour of duty during the seabird season, they are given the seabird awareness training prior to them being allowed to take up their duty station. It is an employment requirement that all employees undergo the training program once a year, or at the start of their tour of duty. For guests during the seabird season, The Pride of America provides information on seabirds, and seabird protocols to its passengers in the "Free Style Daily," the ship's onboard daily newspaper.

Predator Control

Not Applicable

Search and Recovery

All crewmembers are responsible for searching their respective duty stations for downed seabirds on a daily basis. Seabird monitoring covers 100 percent of the ship that is accessible to crew members and passengers.

TAKE REQUEST

Newell's Shearwater (lethal/non-lethal)	30 / 30
Hawaiian Petrel (lethal/non-lethal)	6 / 6
Band-rumped Storm Petrel	6 / 6

Princeville Resort Kaua'i

DESCRIPTION AND COVERED ACTIVITIES

The Princeville Resort Kauai is seeking coverage for operation of artificial lighting in connection with all activities associated with running a resort in Princeville. These activities include, but are not limited to the following: general operation of the hotel, parking lot, grounds, swimming pool and outdoor restaurants, bars and outdoor banquet activities, as well as all physical plant maintenance and landscape maintenance activities. The resort has a full complement of lights that one would expect at a resort of this size and location on the island of Kaua'i. The Hotel covers approximately 115,000 square feet of the site, and paved areas such as the parking lot, walkways, driveway and the pool deck cover an additional 151,400 square feet of the property. The resort is currently undergoing renovation. Update to lighting will be included in the participant reports.

BEACHFRONT TURTLE MEASURES

Pu‘u Pōā Beach is approximately 200 feet long and is located fronting the swimming pool. Facilities adjacent to the beach include the pool, pool restaurant, pool activity desk and pool walkway. Groundskeepers rake the beach every morning shortly after daylight. Life guards and pool attendants are in the area 365 days of the year as well and are trained to see sea turtles. There has never been a nest recorded on Pu‘u Pōā beach since the hotel has been in operation. Should a nest be discovered the Resort would immediately contact USFWS and follow their standard Hawaii protocols for protecting the nest.

MINIMIZATION

Lighting

The resort has significantly minimized lighting, with many measure implemented during a 2008/2009 renovation. Where practical, electrical lighting circuits were put on separate circuits so as to make it easier to turn off selected lights during the seabird’s season if needed – formerly light bulbs had to be physically removed from some fixtures to turn them off.

The main lobby chandelier was replaced with a much lower intensity fixture, and the glass skylight above the chandelier was covered, preventing light from shining up through the roof. The two exterior floodlights were removed. The chandeliers in the Makana Terrace (formerly the Café Hanalei) were removed and replaced with a trellis, and lit with ribbon accent lighting, which does not put off much light. This new fixture was also lowered preventing it from being seen from outside the hotel. Polarized window shades in the Bar of the Princeville Resort Kauai (formerly the Living Room) are lowered during evening hours during the seabird season to darken the windows that face Hanalei Bay. Lighting within the Makana Terrace consists of low wattage can lighting that is directed at the floor and is under roof. All of the palm tree and landscape accent floodlights along Royal Palm Drive were removed and replaced with downward facing heavily shielded low wattage LED lights, which cast a small circle of light on the ground and vegetation but are completely shielded. The lights in the parking lot are shielded and downward facing, and if necessary will be turned off during the seabird season. The landscape accent lighting that illuminates the palm trees in the front of the hotel were changed out to small canister low wattage LED lights that are totally shielded and are aimed at the ground.

The lighting in the new pool has been placed on a separate circuit and can now be selectively turned off during the seabird season. Bollard lighting with deflection shields (Turtle lights) have replaced floodlights and accent lighting along the walkways on the ocean side of the hotel. A new restaurant / bar, the Nalu Kai has been constructed adjacent to the pool, lighting within the new bar is contained with under-roof soffits or downwards facing light fixtures, all lights at this location are under roof. The bollard lighting that ran up slope from the Porte Cochere to the Fort Alexander interpretive kiosk has been removed. Additionally, several outside floodlights and work lights that were located in and around the cooling tower and loading dock have been disabled or removed.

During the season the head of loss prevention, and the engineering department manager do regular checks of the lighting minimization measures to ensure that they are still in operation. All of the lighting is now computerized, so maintaining and reduced lighting that may be implemented is very simple and is controlled from one location.

Outreach/Awareness

During the seabird season an article is printed in the weekly guest newsletter about the shearwater season, this newsletter is placed in every guest room. Additionally, a printed brochure entitled "The Princeville Resort Kauai Seabird Conservation Program" is handed out to each hotel guest during the seabird season at check---in that encourages them to close their louvered window panels at night to shield light sources that may attract fledgling shearwaters and that also provides information on the birds, the SOS program and the Princeville Resort Kauai's commitment to the conservation of native island resources.

A seabird awareness-training program is conducted for all employees once a year. It is an employment requirement that all employees undergo the training program. There are two modules to the training program, one is given to every employee and the second "Downed Seabird Advanced Training" is given to the security staff and to the managers. The training module is revised each year prior to the start of the seabird season incorporating any needed changes to the program identified during the previous season's activities.

Predator Control

The resort employs commercial pest control services. The Resort also deploys cat traps as soon as a cat is detected (a rare event to date). The Resort has committed to meet the biological goals and objectives in Table 5-1 of the KSHCP to "Minimize mortality of Covered Seabirds downed due to light attraction by implementing actions to reduce presence of free-roaming seabird predators such as cats and dogs at Participant facilities." The Resort has also committed to satisfying the requirement in Section 5.3.2 of the KSHCP that "All measures to reduce presence of predators must be implemented within Year 1 of an ITP/ITL."

The Resort has committed to prohibiting the outdoor feeding of predatory animals. Resort staff are currently trained to implement this measure, and security staff monitor compliance with this conservation measure.

Search and Recovery

Loss prevention personnel search the entire built upon portion of the property multiple times a day. The entire staff is retrained prior to the seabird season every year. As part of their job responsibilities, they are required to search their duty stations every day that they are on the property. If a bird is found, employees are required to call loss prevention and stay with the bird until they arrive to record, handle and deliver the bird to the SOS station and prepare all of the needed reporting. Discovery rate is estimated at 90%.

TAKE REQUEST

Newell's Shearwater (lethal/non-lethal)	125 / 476
Hawaiian Petrel (lethal/non-lethal)	6 / 9
Band-rumped Storm Petrel	1 / 1

Sheraton Kaua'i

DESCRIPTION AND COVERED ACTIVITIES

The Sheraton Kauai is seeking coverage for operation of artificial lighting in connection with all activities associated with running the Resort. These activities include, lighting for the parking lot & delivery areas, grounds, buildings, and walkways. The property is landscaped throughout the property typical of a resort. The property covers 20.1 acres.

BEACHFRONT TURTLE MEASURES

The resort has over 2000 linear feet of beachfront. Lights from fitness center, bar, restaurant, and meeting room are 30-40 feet from the shore. Lights are shielded and the beach is dark. Some beach lighting is required for direction, safety, and security of the beach for guests, visitors, and employees. The beach is patrolled by security officers eight times a day. Associates and security officers receive T&E Awareness training every year, a section has been added to that module covering the appropriate response to the presence of a sea turtles on the adjacent beach. It should be noted that, there has never been a nest recorded on the beach since the hotel has been in operation. Should a nest be discovered the Resort would immediately contact USFWS and follow their standard Hawaii protocols for protecting the nest.

MINIMIZATION

Lighting

The resort has replaced a very large number of lights on and in the resort to reduce the amount of stray light being produced. Guest room windows are tinted. Black-out drapes have been placed in all hallways and rooms in the resort reducing the visible interior lighting. Bulbs have been reduced in lumens over the past 10 years. All upward pointing lights have been removed or are turned off during seabird fledging season.

Outreach/Awareness

During the seabird fledging season, the Sheraton Kaua'i will: display SOS informational posters in break rooms and common staff areas; include information in a Daily Events Calendar for all employees; staff will attend the annual Worker Seabird Awareness Training; managers will remind staff about seabirds during department Daily Focus meeting (pre-shift meetings) to bring additional awareness; managers will discuss seabird fallout and monitoring in our Monday, Wednesday, and Friday Managers weekly stand up meetings; managers will invite a qualified biologist to speak at our staff meeting; the Resort will display SOS informational posters in the lobby to promote guest awareness; have an informational flyer put into each room as awareness to for our guest, asking them to keep curtains closed during the season (Appendix D of the PIP); and show information regarding the seabird fallout season and appropriate protocols that guests should follow on the in-house TV station during the seabird season.

Seabird Awareness Training is conducted annually and includes: regulatory setting, consequences for noncompliance, standard monitoring, response, and reporting procedures, techniques for proper handling of downed seabirds, personal protection, agency contacts and facility locations.

Predator Control

No unleashed animals are permissible on hotel property, and trash bins have restricted coverings. The Resort has committed to remove/control free-roaming predatory animals at the facility. The Resort deploys cat traps, as needed.

The Resort has committed to prohibiting the outdoor feeding of predatory animals. Staff are trained to know that such feeding is prohibited, and Resort security monitors compliance with this conservation measure.

Search and Recovery

The Sheraton Kaua'i Resort developed a Standard Operating Procedures (SOP) for patrolling, monitoring, documenting and reporting downed seabirds during the fledgling flight season. The developed portion of the property is inspected each day. Rooftops are checked by engineering, housekeepers check balconies, and grounds are checked by security and groundskeepers. Groundskeepers also check shrubbery and bushes (laua'e fern and naupaka) located around the buildings. All open areas are visually checked by all associates while conducting their respective duties while on the site. Discovery rate is estimated at 50%.

TAKE REQUEST

Newell's Shearwater (lethal/non-lethal)	81 / 64
Hawaiian Petrel (lethal/non-lethal)	1 / 1
Band-rumped Storm Petrel	3 / 3