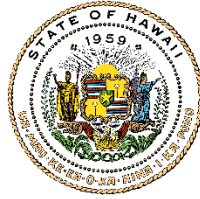


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

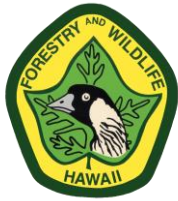


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DIVISION OF FORESTRY AND WILDLIFE
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February 12, 2025

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

SUBJECT: Division of Forestry and Wildlife Evaluation of the Hōkūala Habitat Conservation Plan Implementation During Fiscal Year 2024

Dear Committee Members,

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) is respectfully requesting the Endangered Species Recovery Committee (ESRC) review the Hōkūala annual report in accordance with the requirements outlined in Section 195D-25, Hawai'i Revised Statutes. The annual report was prepared by AECOS Inc. on behalf of the Hōkūala Community Association (licensee) as part of the obligations of the Hōkūala Habitat Conservation Plan (HCP; Rana Biological Consulting 2012) and State Incidental Take License (ITL; ITL-16). This submittal is a summary of the annual report and includes comments from DOFAW.

BACKGROUND:

ITL Licensee: Hōkūala Community Association

Project: Oceanfront resort encompassing approximately 600 acres

ITL Duration: April 11, 2012 – April 11, 2042. The licensee is 12 years (40%) through their permit term.

Status of ITL: During fiscal year 2024, direct, incidental take of seven birds occurred: two nēnē, two 'alae ke'oke'o, one 'alae 'ula, and two 'a'o. Except for the two 'a'o, all take were fatalities.

Table 1. Total authorized take and total direct take since ITL issuance through FY 2024 for the Hōkūala HCP, as provided in the licensee’s FY 2024 annual report.

Common Name	Type of Take	Total Authorized Take	Total Direct Take
Nēnē (Hawaiian goose)	Mortality or Non-Lethal	17	8
Koloa maoli (Hawaiian duck)	Mortality or Non-Lethal	36	6
Ae’o (Hawaiian stilt)	Mortality or Non-Lethal	38	0
‘Alae ke’oke’o (Hawaiian coot)	Mortality	110	36
	Non-Lethal	180	
‘Alae ‘ula (Hawaiian gallinule)	Mortality	40	32
	Non-Lethal	30	
‘A’o (Newell’s shearwater)	Life of permit	27	10
‘Ua’u (Hawaiian petrel)	Life of Permit	1	0
‘Akē’akē (Band-rumped storm petrel)	Life of Permit	<1	0

There are discrepancies between DOFAW data and licensee data regarding direct, indirect, and total take which have not been rectified prior to this report. A meeting between USFWS, DOFAW, and the licensee to review direct take, indirect take, and total take data since ITL issuance through FY 2024 will occur in quarter four of FY 2025.

Of concern, while Hōkūala is only 40% through the license term, 80% (per licensee’s data) of the permitted lethal take of ‘alae ‘ula has occurred. Tentative agency data indicates the lethal take of ‘alae ‘ula actually exceeds the permitted take of 40 individuals. It should be noted 66 ‘alae ‘ula fledglings were produced during FY 2024. Tentative agency data also indicates the total take of nēnē is 14 individuals (total authorized take is 17 individuals). It should be noted 51 nēnē fledglings were produced during FY 2024.

Avoidance and Minimization Measures Implemented:

Seabirds:

- Save Our Shearwaters (SOS) conducted a lighting audit of the property in FY 2024 and lighting changes were implemented in FY 2025, prior to the 2024 seabird fallout season.
- Security personnel and on-site biological monitors were retrained in seabird search and handling techniques during FY 2024, prior to the start of the 2023 fallout season.
- Hōkūala continues to work with SOS to establish a memorandum of agreement to better facilitate the transfer and care of injured and dead birds.
- A searcher efficiency evaluation of the on-site biological monitors will occur in FY 2026, prior to the 2025 fallout season.

Vehicular Traffic:

In FY 2024, Hōkūāla staff evaluated the correlation between take of covered species and vehicular traffic and developed a plan to reduce vehicle strikes. The following actions have been taken to date in FY 2025 to reduce vehicle strikes:

- The employee parking lot was moved. The lot was previously located on the bank of a lagoon which was frequented by nēnē. The new location of the parking lot is not frequented by nēnē or listed waterbirds. The location of the lot has also resulted in 72 fewer cars per day traversing Ho'olaule'a Way and Holokawelu Drive, which are both frequented by waterbirds.
- Peanut grass, a groundcover waterbirds enjoy eating, was removed from road medians and other areas near roads which are frequented by listed waterbirds.
- New and additional bright yellow "Wildlife Crossing" signs have been ordered and will be installed on road medians.
- An additional speed bump was installed on Holokawelu Drive.

Staff Training:

- An updated training module was used during FY 2024 to train all new employees as well as provide a refresher class to most other employees. A total of 29 classes were held and 118 employees were trained.
- The licensee is considering incorporating a written assessment or quiz at the conclusion of future trainings.

Construction:

- Construction occurred on four sites during the reporting period: Ninini Townhouses, the tennis and pickleball courts, Lot 1, and Lot 1A. Fencing was used around all four construction sites. The senior, on-site biologist inspected construction sites prior to grading and each site was inspected daily by a biological monitor.
- USDA-WS hazing operations included these construction areas.
- A second full-time biological monitor is anticipated to be hired in FY 2025 to ensure full-time monitoring of construction projects.

Surveys of Listed Species:

- Biological monitors monitored nēnē nesting activity and nesting success daily between September 15th and March 31st. Data collected includes band numbers, pair bonds, nest location, eggs laid, eggs hatched, goslings fledged, and mortalities. Monthly monitoring occurs during the remainder of the year (April 1 through August 31). Data collected includes the number of nēnē and band numbers.
- Biological monitors recorded all observed waterbird species on a weekly basis between September 15th and March 31st each year, and monthly from April 1st through August 31st each year. Data collected includes waterbird species numbers, nest locations, eggs laid, eggs hatched, chicks fledged, and reported mortalities.

Mitigation Status:

Nēnē. Nēnē mitigation was completed per a one time payment of \$85,000 to the DLNR Endangered Species Trust Fund in May 2012.

Ae‘o, ‘alae ke‘oke‘o, ‘alae ‘ula, and koloa maoli. Mitigation for waterbirds consists of providing and maintaining approximately 35 acres of lagoons on the property which are an important habitat for endangered waterbird species, and predator control trapping. The licensee maintains 29 chicken traps, 16 cat/mongoose traps, two pig traps, 15 pig snares, three bullfrog traps, two tadpole traps, and two dog traps. Traps were deployed throughout the year and were palced in areas in response to mammilian predator sightings. Set traps were checked daily. 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‘o, ‘ua‘u, and ‘akē‘akē. The 2013 minor amendment to increase ‘a‘o take specified the licensee must make an annual contribution of \$10,000 to the National Fish and Wildlife Foundation (NFWF) account to mitigate for listed seabird take. A check in the amount of \$10,000 was sent to the National Fish and Wildlife Foundation on August 25, 2023, to cover FY 2024. Hōkūala’s contributions are pooled with contributions from participants of the island-wide Kaua‘i Seabird Habitat Conservation Plan to fund mitigation activities at Kahuama‘a Seabird Preserve.

FY 2023 ESRC and DOFAW staff recommendations resulting in licensee actions in FY 2024:

1. Meet more often with the agencies until back in full compliance
 - a. The licensee has been open to scheduling meetings with the agencies.
 - b. Hōkūala is working with the agencies to schedule a site visit and complete a full review of take in Spring 2025.
2. Consider increasing the number of speed bumps
 - a. An additional speed bump was installed on Holokawelu Drive during FY 2025.
3. Reach out to Kaua‘i Endangered Seabird Recovery Project for searcher training
 - a. SOS conducted seabird search and handling training during FY 2024, prior to the 2023 seabird fallout season.
 - b. Hōkūala plans to contact KESRP for searcher training during FY 2026, prior to the 2025 seabird fallout season.
4. On-site biologists to notify DOFAW-HCP of any incidents of take
 - a. Hōkūala has instituted a new process to ensure timely submittal of incident reports. DOFAW-HCP has received timely notification of incidents of take during FY 2024.
5. Include fledgling success in future reporting. (Obtain newly hatched chick counts and note disappearance of chicks during the season to estimate the number of chicks which have fledged.)
 - a. Fledgling success is included in the FY 2024 annual report

FY 2023 ESR and DOFAW staff recommendations which were not addressed by the licensee in FY 2024:

1. Consider decreasing the speed limit on the property
2. Include waterbird survey species trends over time

3. Update the permit for Western cattle egret removal and implement removal
 - a. Hōkūala plans to apply for a permit to remove Western cattle egret.
4. Continue conversations regarding an HCP amendment to address increased take

ISSUES & CONCERNS:

- Discrepancies between the licensee and agencies' take data remain due to prior inaccurate or incomplete take reporting. The agencies and licensee plan to meet in Spring 2025 to participate in a full take review beginning from permit issuance through Q2 of FY 2025.
- The incidental lethal take of 'ālae 'ūla likely exceeds the permitted take of 40 individuals.
- The take of nēnē is nearing the authorized take level.

AGENCY RECOMMENDATIONS:

DOFAW appreciates that Hōkūala/AECOS has been responsive to communications during FY 2024, has increased avoidance and minimization measures on their property, and has implemented a portion of the FY 2023 ESRC recommendations.

DOFAW recommends the licensee meet with the agencies before the end of FY 2025 to resolve discrepancies in direct, indirect, and total take data of covered species since ITL issuance.

DOFAW recommends the licensee pursue a major amendment to increase the permitted take for 'ālae 'ūla and nēnē.

If you have any questions, please contact Kelli Yamaguchi, Habitat Conservation Planning Program Associate at kelli.yamaguchi.researcher@hawaii.gov.

Respectfully submitted,

for DGS 
DAVID G. SMITH
Administrator