

News Release



Pacific Islands Fish and Wildlife Office
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Draft Habitat Conservation Plan for Kaua'i Lagoons Resort Available for Public Comment

The U.S. Fish and Wildlife Service (Service) announced today the availability of a draft Habitat Conservation Plan (HCP) and draft Environmental Assessment (EA) submitted by Kaua'i Lagoons, LLC for public review. The proposed resort and golf course is located on the 600-acre Kaua'i Lagoons property, adjacent to Lihue International Airport on the island of Kaua'i. Kaua'i Lagoons developed the draft HCP in coordination with the Service and the Hawai'i Division of Forestry and Wildlife (DOFAW) as part of the application for an incidental take permit for species protected under the Endangered Species Act. The draft HCP and EA are available for public review and comment for 45 days.

"Take," as defined by the Federal Endangered Species Act, means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct. Harm may include significant habitat modification that results in death or injury to a listed species by impairing behavioral patterns such as breeding, feeding or sheltering.

An incidental take permit is required when non-Federal activities are likely to result in "take" of a threatened or endangered species while carrying out otherwise lawful activities. Kaua'i Lagoons is requesting a permit because incidental take of seven federally listed and one candidate species may result from the operation, management, and future building plans of the resort and golf course. The species affected are the endangered Hawaiian goose or nēnē, Hawaiian moorhen or 'alae 'ula, Hawaiian coot or 'alae ke'oke'o, Hawaiian duck or koloa, Hawaiian stilt or ae'o, Hawaiian petrel or 'ua'u, the threatened Newell's shearwater or 'a'o and the band-rumped storm petrel, a candidate species for listing.

The draft HCP describes how Kaua'i Lagoons will – to the maximum extent practicable – avoid, minimize, and mitigate the potential incidental take of protected species that may result from the ongoing operation and maintenance of the Kaua'i Lagoons resort and golf courses, as well as the construction of an additional 772 resort residential units, a new golf clubhouse, a 27-hole golf course complex, and a central operations building. The permit authorizes the incidental take of the listed species over the next 30 years.

Take may result from: ongoing resort operations, such as nēnē and waterbird species being hit by golf carts and golf balls; new construction activities, including grading and clearing that may impact nesting birds; and existing and future artificial lighting, which may disorient listed seabirds.

The close proximity of nesting and roosting nēnē and waterbirds to Lihue Airport (directly adjacent to Kauai Lagoons) poses a threat to human safety due to the increased risk of collision between a bird and an aircraft. Although Kaua'i Lagoons' HCP does not directly address these concerns, it does propose to

cooperate fully with the future plans to reduce the population of nēnē at the resort through habitat modification, translocation, or other means. Efforts to minimize the impact of the increasing population of nēnē in the vicinity of the Airport are on-going, and are being addressed cooperatively with the Federal Aviation Administration and the Hawai‘i Department of Transportation, Airports Division and DOFAW. On April 14, 2011, Hawai‘i Governor Neil Abercrombie signed a Proclamation, which suspends state laws as necessary to expedite the translocation of nēnē from Kaua‘i Lagoons to appropriate sites on the islands of Maui and Hawai‘i. Currently, a plan to implement the Proclamation is being drafted, and translocations are planned to begin in 2012.

Kaua‘i Lagoons is proposing mitigation measures that include: on-site cooperation with plans to translocate nēnē to reduce the bird and airport safety conflict; fund the development of a plan to address translocation of nēnē to other islands; and maintain existing resort waterbird habitat. In addition, Kaua‘i Lagoons will continue to manage and monitor the populations of the nēnē and waterbirds, while assisting the effort to move nēnē to suitable habitats off-island.

Kaua‘i Lagoons also proposes to pay into the Kaua‘i Seabird Habitat Conservation Plan - currently being developed by the DOFAW - to assist State and Federal agencies in the enhancement of known seabird colonies through predator management, habitat restoration and monitoring.

The draft EA considers the direct, indirect, and cumulative effects of the proposed action of permit issuance, including measures that will be implemented to minimize and mitigate such impacts. The EA contains an analysis of two alternatives: issuance of a permit to Kaua‘i Lagoons on the basis of the action as described in the proposed HCP and No Action (no permit issuance and no measures by the Applicant to reduce or eliminate the take of Covered Species). The Service and the Hawai‘i Department of Land and Natural Resources jointly process HCPs but issue separate incidental take permits and licenses, respectively.

All comments from interested parties must be received on or before August 26, 2011. Written comments should be submitted to: Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Blvd., Room 3-122, Honolulu, Hawai‘i 96850. Comments may also be sent via facsimile to 808 792-9580.

The Service will evaluate the permit application, associated documents, and submitted comments to determine whether the application meets the requirements of National Environmental Policy Act regulations and section 10 (a) of the Endangered Species Act.

Documents are posted on the Service’s website at <http://www.fws.gov/pacificislands/>. Copies and additional information may also be obtained from Michelle Bogardus at 808-792-9400, or by writing to the address listed above.

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