

BREAKING NEWS

Kauai County admits to violating federal law by killing birds due to lighting at facilities

By Gordon Y.K. Pang

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Kauai County today admitted in U.S. District Court that it was guilty of violating the federal Migratory Bird Treaty Act by killing Newell's shearwaters through its lighting policies at county facilities over the last five years.

The Justice Department documented at least 18 bird deaths that were the result of the county's actions, the county said in a news release this afternoon.

The taking, killing or possession of migratory birds such as Newell's shearwaters is unlawful under the Migratory Bird Treaty Act.

Under a plea agreement with the Department of Justice, Kauai County paid a \$15,000 fine and will undertake a series of corrective measures during a 30-month probation period including:

- >> Conducting an audit of all county facilities and create plans to minimize harm to seabirds during the fledgling season.
- >> Maintaining a record of dead or injured or sick birds that are protected by the Endangered Species Act.

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>> Notifying the U.S. Fish and Wildlife Service of any mortalities, injuries or sickness within 24 hours.

>> Donating \$180,000 to the National Fish and Wildlife Foundation in its efforts to increase the population of Newell's shearwaters on Kauai, and \$30,000 to the Kauai Humane Society for its Save Our Shearwater program.

Under the agreement, the county can work to re-establish nighttime football games "on certain days and under certain conditions." The county must establish and fund an escrow account this fall to cover any bird takings that result in death or serious injury.

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