

## GAME MANAGEMENT ADVISORY COMMISSION MEETING

**DATE:** March 28, 2019

**TIME:** 10:00 AM

**PLACE:** Board Room 132, Kalanimoku Building, 1151 Punchbowl Street, Honolulu, HI 96813

**PURPOSE:** Game Management Advisory Commission Meeting (#11)

### DRAFT MINUTES

**ITEM 1. Call to order, introductions of members, staff, and visitors; request for move-ups on the agenda.**

#### COMMISSIONERS PRESENT:

Lori Buchanan—Molokai (Chair)

Robert Cremer—Kauai

Josiah Jury—Oahu

Ryan Kohatsu—East Hawaii

Robert Masuda—Representative of the Chair of DLNR

Nancy Timko—Oahu

#### COMMISSIONERS ABSENT:

Stan Ruidas —Lanai

#### STAFF (DOFAW):

Edith Atkins, HCP Coordinator for Puu Waawaa (remote call in)

Jim Cogswell

Shaya Honarvar

Kameron Oguma

Jason Omick

David Smith

Ikaika Soares

Kanalu Sproat

Dietra Myers Tremblay

Nicholas Vargas

Sarah Way

Emma Yuen

#### VISITORS:

John K. Bell

Kelvin Kohatsu

James K Manaku Sr.

Maxx Phillips, Center of Biological Diversity

Todd Yukutake

Klayton Kubo

**Comm. Buchanan:** Aloha and welcome everyone, we're going to call this meeting to order. The Game Management Advisory Commission meeting of March 28, 2019. Before we move on, commissioners, are

there any amendments or requests for move up? Any requests from the public? Seeing none we're going to move on.

**ITEM 2. Action Required: Approval of the minutes from December 10, 2018 and January 16, 2019 GMAC meetings.**

**Comm. Buchanan:** Anyone had any issues with the minutes of the meeting?

**Comm. Masuda:** Not in terms of approval of the minutes, but after the approval I have a comment.

**Comm. Buchanan:** Alright. So I'm looking for a motion from the floor to accept the minutes.

**Comm. Kohatsu:** I make a motion to accept the minutes.

**Comm. Cremer:** Second.

**Comm. Buchanan:** Okay, it's been moved and seconded. Any discussion? Seeing none, I'll call for the vote.

MOTION CARRIED WITH UNANIMOUS VOTE

**Comm. Masuda:** I just wanted to bring up the point on the verbatim transcription of minutes that we agreed on up until I think the last meeting. So as of this meeting I just wanted to remind everyone that we will follow the law in the reporting of the meeting, and the law requires either a written posting of the minutes that includes the significant actions by subject, brief synopsis of the discussion and the action, and as may be needed or requested, the recording itself can be posted with a timeline of what point in the recording which subject begins. That's the law, so we will follow that law as of this meeting.

**Comm. Buchanan:** Okay, so my recollection of that discussion was that we were going to discuss it in January of 2019, we were going to review that discussion and then decide if we were still going to go with verbatim or go to shortened version, and I know staff had supplied a shortened version along with the verbatim minutes for commission members to review, and so I would hope that that discussion would still be open. I would like to continue the discussion.

**Comm. Masuda:** I'm just bringing up that same discussion in which we talked about looking at how we're going to continue, because the verbatim transcription of the recording of this meeting sometimes can be very time consuming, and in my opinion, I don't believe it's a good use of our time.

**Comm. Buchanan:** Okay, so having gone over ten verbatim minute meetings which did take me over a day, I found that in meeting number three or two that this commission voted to allot \$2,000 for someone to do verbatim minutes. I don't know if you recall that Shaya?

**Shaya Honarvar:** I do. That was \$2,000 dollars towards the salary of someone, for instance Sarah. However, what we're finding out is that it's taking way longer than expected, and if you hire a company to do this, and I've been looking at different options, the cheapest option because our meetings are so long would cost somewhere around \$700-\$1,000 per meeting. And I do want to remind everyone that Sarah will be leaving in August, and it's not just about her leaving, it's about the time that interns are spending on this. It's taking at least 40-50 hours of just doing this, and that's a lot of hours.

**Comm. Buchanan:** Is that spread out over time for every meeting or per meeting?

**Shaya Honarvar:** Per meeting, and that's a lot. And especially if the meetings are happening every two months, so that's about a week and a half per two months, plus all the prep that we have to do, so it's literally two and half weeks of work for us per GMAC meeting. And so it adds up. So if the meetings are once in three months...

**Comm. Cremer:** So, my question is, would we be able to post the recording online where anybody has access to it, so I could put that link on my GMAC page so anybody who wanted to be able to listen to the GMAC meeting would be able to?

**Shaya Honarvar:** That's a great question and I need to look into that. Because if we can, as Bob Masuda suggested, just put it in audio sections, like say "Item 1, this is the section, Item 2, this is the section," that would make it so much easier for everyone. And then you all have seen the shortened version of the minutes, right? It was still detailed, and it captured the meeting well, I believe. So, we can still do shortened minutes.

**Comm. Masuda:** Rather than spend all our time on just this housekeeping kind of thing, I would recommend that we ask Shaya and our staff come back with a copy of the law and having explored what options we do have like Robert just recommended, see what we can actually do and make that report next time, and then at that time we can determine the feasibility or the sensibility of how we will proceed. Otherwise we're talking all over the place right now.

**Comm. Jury:** If we do move forward with having Shaya do that, would this meeting be a verbatim meeting? I only ask because I look at the minutes, I know in that meeting you made a motion for this to occur, Deputy Chair, and then nobody seconded the motion, and then Madam Chair was nice enough to say that we would bring up the discussion again in 2019. And I feel like a lot of us came here open to discussion, and with the opening statements being "this is the law, this is what we're going to do," I agree that maybe we should look more into it, but if this meeting could still be the verbatim and then when we come back we can continue the discussion.

**Comm. Masuda:** This meeting is being recorded, and so the recording will be available, and should we decide that you want this meeting's recording to be transcribed, then you can so vote at that time, but remember we have a limited amount of money, and for the number of meetings that we have you have to consider all that. So I'm letting you know that the meeting is being recorded and the recording will be kept and be available, but I would request humbly that we not require our staff to transcribe this one verbatim. If the law doesn't require verbatim transcription in writing, then I think we should go with what is reasonable, sensible, and available, and if people want more detail, that that detail be available through the recording by sections or however is reasonable to deliver. And that's what I would have to say on this, but I hope not to have to spend another so many other hours on this subject at this meeting, I think there are other important things that we have to talk about on actual hunting, game management, things like that.

**Comm. Cremer:** Bob, I'm going to have to disagree with you, I think the minutes are the most important thing for me as a commissioner representing my island. For me, what is in the minutes I put on my GMAC page. My members in my community know what is going on in detail in this meeting, what you say, what your staff says, what I say to represent them. How I say it and why I say it, not in fine little

pieces how the minutes are put together in a small section. They see my passion of why I'm here and why I take off to come here to represent them. And that is the reason I like the verbatim minutes. Or, if we can't afford to do it, let's work on a way like I asked Shaya to be able to download it on my page so people can be able to listen to the minutes. And until then I say we still go with verbatim until we look into what to do at our next meeting, and we go ahead and decide then.

**Comm. Buchanan:** Commissioners, any more comments? No? Since this is an agenda item, I will take public testimony if there's anyone in the public wishing to testify on Item 2, which went into another discussion. Please state your name for the record and you have three minutes.

**James Manaku Sr.:** You know, Madam Chair, we're having that problem on the neighborhood board, if I may. As an example, I've shared with them the problem of our sewage – we have water that comes into our property and it's measured. So what I've tried to have the city do is put a measurement on our sewage going out of our sewer pipe, and when I say that what they do, when they write it on the agenda, they say "Manaku says that we need to look at the sewage problem" and it doesn't say exactly what I said, that we need to have some kind of measurement on the sewage. So I understand as long as we have the main objective of what is being said I don't mind, but then again I would like to have the whole transcript available also. That would be good.

**Comm. Buchanan:** Commissioners, any questions for the testifier? Seeing none, thank you very much. Anyone else in the public wishing to testify on Item 2?

**Comm. Jury:** Just so we're clear, if I can make a motion?

**Comm. Buchanan:** If you make a motion of something, we're going to have discussion.

**Comm. Jury:** I guess I want to find out whether we're having this one verbatim.

**Comm. Buchanan:** So you're asking a question? I think that's up to this commission. So you heard what Deputy said, and we're still in discussion, although he'd like to not do verbatim for this meeting but keep the recording and then come back with some analysis, and if that analysis discussion is going to talk about funds then I'd like to see the whole budget for this commission. If we're going to talk about money I need to see the whole budget. Commissioners, what do you guys think? Are you guys okay with the proposal from Deputy, or do you want this meeting to be verbatim and then come back for another analysis of whether we're going to change it or not?

**Comm. Cremer:** My understanding from the meeting we had was that we were going to revisit the subject in 2019 and we weren't going to change to it until we revisited the issue. And my thing is I agree with him some, but I still think we need to have the full minutes for the public to see. And I understand the money side and all that, I do, but like I said, I come here because I represent my community and this state, which is my community no matter where I go, and I think everybody should know why we're here and what we're fighting for and what the Administration's ideas and plans are. It should be public record somewhere or another in full extent, and then the short minutes so it's easier for the person doing it.

**Comm. Kohatsu:** Is it reasonable to have the alternative in place by the next meeting?

**Shaya Honarvar:** I would be able to figure it out by then. I think we can put the audio online. Because it's only been one meeting, it hasn't grown a lot in size yet. So yes.

**Comm. Kohatsu:** Because I'd say if you're able to do it then let's do that, but if you're not able to get it accomplished the default is verbatim transcription. That's just my thoughts.

**Comm. Buchanan:** Nancy, do you have any feedback?

**Comm. Timko:** I agree with Ryan. I don't think our purpose is to create work for staff, that's not why I'm here. The fact that the recordings are available if somebody has a question in regard to shorter minutes, then they can always request and listen to the recording.

**Shaya Honarvar:** We can try to put it on our website where the GMAC agenda and minutes are currently, and then there will be an extra line saying "recording."

**Comm. Cremer:** That'll be fine.

**Comm. Buchanan:** So, I think the person that is most impacted by this decision would be me, because I have to read all the verbatim minutes because I write the legislative report. I'm not going to sit through a six-hour meeting and then sit through a six-hour recording, I'm just not going to do it. I'm a paper person, old school, so I prefer verbatim minutes although I'm taxed with just as long reading them as the person is recording them except I'm not getting paid. I would request for this meeting we do verbatim minutes, because I think there's going to be a lot of important discussion today, and in the meantime find out what we asked you find out: how much is it going to cost, can you put it on... I think you have to check with DLNR's communication person before you put any audio stuff online and maybe the AG, I think you have to check. So between now and the next meeting, and I think that's reasonable so we can move on, just do verbatim for this meeting and then at the next meeting we'll decide how we're going to proceed. That would be my choice. Is anybody not amenable to that? Except Deputy.

**Comm. Kohatsu:** I would just request that the next meeting if they have the alternative in place that we have a staff proposal and example that we can vote on that that's how we're going to move forward.

**Comm. Masuda:** As for the record, Madam Chair, I did not say I'm not in favor. I did not disagree. I made a suggestion and I gave the reason for my suggestion. I have actually no problem with what Ryan and others have said so far, and if the commissioner members feel that it's critical that this meeting be totally transcribed, I'm not going to argue against it, I'm just suggesting that given what the law requires that we might want to adjust the workload for staff so we can focus on areas of substance rather than all the time it takes to regurgitate whatever goes on.

**Comm. Buchanan:** Okay. I'll take that as amenable. Is anybody opposed to that suggestion? Okay, seeing no opposition I don't believe I need a motion. So now we can move on.

### **ITEM 3. Discussion on recently published public lands hunting informational survey report.**

**Comm. Kohatsu:** I didn't get to read the whole thing, but I was approached by people in my community about some of the numbers that were in there, because they think they're wrong. Would you agree or no?

**Shaya Honarvar:** So, the numbers that are published under the Public Land Hunting Information Survey are the numbers that people give us, whether people give us the numbers that are correct...

**Comm. Kohatsu:** No, no, no, the hunting statistics from the Department, specifically as an example on the Lanai take for Axis deer I think it had 200-something on there for the season. Everybody know that for that season in one day that might be the take, so some of the data was incorrect.

**Shaya Honarvar:** So we do not change or adjust the data. We publish the data as it is given to us by the public. And this is based on a survey, not on harvest numbers.

**Comm. Kohatsu:** Wait, but there's a chart in there, right?

**Shaya Honarvar:** Right. We made the chart based on the number of answers we got from the thousand or so people who took the survey. So this is not harvest numbers that we check at the check stations, this is purely questions that are being asked and sent out to the public and then they just answer them.

**Comm. Kohatsu:** So the Lanai harvest chart that's in there...

**Shaya Honarvar:** It's not the actual harvest chart.

**Comm. Kohatsu:** It's based off a bunch of people saying "this is how much I killed" or something?

**Shaya Honarvar:** Exactly. It's what people say. It doesn't show the actual number of deer that are taken out of Lanai, which I believe is more than 2,000.

**Comm. Kohatsu:** Right. So if it only surveys 200 people apparently that said they went there and shot something, then it only shows those 200 people.

**Shaya Honarvar:** Yeah, it just shows whatever that number of people said. And they could even not tell the truth and just make up numbers, and then that's what it would show. So this is a set of questions that we send out to the public to kind of understand what the hunters' perception is on hunting, and what they would like to see more of, and what are the numbers that the public is giving us just by us asking the question versus what we're seeing in surveys that we do versus the harvest numbers that we're collecting at the check station. It's three completely different things. And in this survey, only 1,198 people completed this survey, which is ten percent of our registered hunters, which is actually a good number of people.

**Comm. Kohatsu:** So providing a statistical chart of how many animals were taken in a season, was that specifically a question on the survey?

**Shaya Honarvar:** Have you looked at the survey questions?

**Comm. Kohatsu:** Yeah, I did. I don't remember because it was a while ago...

**Shaya Honarvar:** One of the questions, I have it right here... So for instance the game birds: "During the gamebird season," and then I give the number of months, "how many gamebirds did you harvest in public hunting areas?" And so people answered that question and say "I harvested this many Ring-necked pheasants, this many other species and I harvested this many animals in this public land." So the information I'm hoping to get from this is which species are the most popular ones and which areas are the most popular ones, which the charts are in there as well.

**Comm. Kohatsu:** In the report, is the question stated before the chart is presented?

**Shaya Honarvar:** Yes. Every question is up here and then the chart is here. The charts again are a way of saying “okay, if we send the survey out by asking the question, what will people say versus what we’re seeing from the check stations versus what we’re seeing from the survey ourselves.”

**Comm. Kohatsu:** Is there a future analysis of that versus that you were speaking of?

**Shaya Honarvar:** What I’m hoping to do... we did this for two years, and then after that, I think we might skip this year, I’m not 100% sure, and try to do it every two years and hopefully we get more and more people, and I think as we get more and more people this statistic is going to make more sense, because it might be a little bit skewed to how many people we get per island to respond to this, so if most of the people are from Oahu, that will change things. But I think ten percent of the registered hunters did this, that’s a pretty good number. I also would like to add that if you all have questions that you would like to add to this, or questions that you’d like to change the format a bit, or ask it differently, please send them to me. I’ll be more than happy to work on it together and then put it in the survey.

**Comm. Kohatsu:** That was my next question, you already answered it. Thank you.

**Shaya Honarvar:** I’m looking for feedback from especially you guys.

**Comm. Buchanan:** Anyone else have questions about the survey? Our commissioner from Lanai called me and he had some comments, did he relay those comments?

**Shaya Honarvar:** No, I only know he was one of the people suggesting that I put this on the agenda. But I have not seen his comments or questions.

**Comm. Buchanan:** Okay, his comment was that he thinks the survey should be per island, because I think you just admitted that if the greater number of population resides on Oahu it would skew the results. So his feedback is that the survey should be per island.

**Shaya Honarvar:** So the beauty of this survey is that we can separate it out into different islands right now. From the 1,198 people that responded, one of the first questions is “where are you a resident of?” So once I separate those people by where they are from, then we can break down this data per island. However, 1,198 people is not enough people to break down the data into six islands. The number of people we get per island, statistically it wouldn’t be significant. If we had 5,000 responses, then breaking it down into islands would make more sense.

**Comm. Buchanan:** I don’t know, because to be honest Shaya, sorry, I never read the survey, but I think his point is that for Lanai he was requesting to the Department about switching the hunting seasons, and I asked him what he meant by that and he said the Mouflon and the deer seasons should be modified, and the modifications and the timing is because the hunting season is occurring when the animals are having babies and they’re velvet still yet. He said in the old days, it used to be in the fall, and along the way the Department changed the hunting season, and he feels for hunters it’s hard because it’s ethically and morally an issue for them to shoot animals that are having babies. And their horns are not hard yet.

**Shaya Honarvar:** Is he suggesting putting a question on the survey in regards to that?

**Comm. Buchanan:** I don't know. That's his feedback, I wrote it down in pencil really fast. Because I wasn't aware of that. So the Department is actually by its own rules creating a situation that is ethically and morally not a good situation from the hunters' perspective, so that's the feedback.

**Shaya Honarvar:** Okay. I just don't know how it fits in the survey.

**Comm. Buchanan:** Well, I just wanted that on the record because I told him I would report that for him.

**Comm. Masuda:** Madam Chair, speaking as the Deputy for the Department and not as a commissioner, I would respond to that by saying I would direct the staff to check that out, and if the report that is being requested is reality, if it is in fact true, it would be important that we adjust the timing of things so that we honor the values and concerns expressed by the hunters in this particular situation and then report back at the next meeting what is... you can have our Lanai person tell you what the actual situation is.

**Shaya Honarvar:** And that's the thing, if Shane or John were here, they would be able to answer that question. There is definitely a reason.

**Comm. Cremer:** I think it's a valid comment that Stan put forward because I see a lot of that on Kauai too, depends on the rainy seasons... Seasons change and as the years go by seems like the breeding cycles change, so keeps getting farther back or closer. Same with the mullet – the mullet come up the river to spawn at a certain time of the year and they open up the mullet during the spawning season and the guys are catching the mullet during the spawning season instead of knowing "okay, the mullet season should but back a little bit or put forward a little bit so we're not going to be catching the mullet during the spawning season." I live right by the river, I see the mullet in the river right at the time when they're spawning and laying their eggs.

**Comm. Masuda:** I'd like to respond to Robert's comment. One of the concerns from a staff point of view that I have is that our district staff should be in close communication with all of our commissioners from each district or each island. And if that happens, then they have good relations and good communication, I would depend on our commissioners and the hunting or fishing community to be our eyes and ears, because that's a lot more eyes and ears than the staff can provide. And when we get those kinds of reports I think we ought to bring them back to the commission meeting so that the commission can work with the staff in adjusting seasons or whatever needs to be adjusted so that we can maintain the health of our fisheries and game. That's one of the important functions commissioners can help with is the whole idea of working with the staff so we get the most up to date and real information.

**Comm. Cremer:** For me, I think the ultimate goal would be a game management plan so we know where we stand and where we've got to go. Right now we don't know what direction we're going without a game management plan. It all boils back to a game management plan, a fisheries plan, whatever kind of plan, we've got to know which direction we're going. And we're not going to know what direction we're going until we settle that and get a game management plan, a fisheries plan, what a plan is, who's going to work on the plan, who's going to manage the plan. We can't do anything without getting that, I'm just going to say that over and over until I'm out of this room and not on this commission. I'm going to be still going to the Legislature, still going wherever I have to go to rant and rave about it, but that is the most important thing for this state: a game management plan, a fisheries plan, what direction the plan is



going to go, who's going to manage the plan, who's going to work on the plan, continue to make sure that the plan evolves and goes in the right direction so that we can balance throughout the community whether it's plants, animals, fish, whatever it is. That's all I got.

**Comm. Masuda:** Next time on the agenda you can bring that up.

**Comm. Buchanan:** Commissioners, you guys have any comments on this agenda item? This is an agenda item, so I will open Item 3 up for public testimony if there's anyone in the public wishing to testify on agenda Item 3. Seeing none, I'm going to close testimony on Item 3 and move on to Item 4.

**ITEM 4. Updates and discussion on Habitat Conservation Plan in Puu Waawaa Forest Reserve and the Puu Anahulu Game Management Area, Hawaii Game Management Plan and Lanai Cooperative Game Management Area Plan.**

**Comm. Buchanan:** Staff, who's reporting on the update?

**Shaya Honarvar:** May I start with the Lanai plan? This is just a very short update of what we have been working on. We have submitted a grant proposal to Pittman-Robertson for writing a plan for Lanai, and this is because the company had asked us to do this in order for us to be able to get the lease for a longer period. So the grant proposal has been written and has been submitted, and we're waiting to hear back. Hopefully we'll hear back in the next month or two. In the meantime, we have also prepared some goals and objectives to help us move forward as soon as we get the grant from Pittman-Robertson and hire a consultant, because there's not much time, we have two years now to finish this. So this document of goals and objectives that we have is only internal right now and we're still discussing it among ourselves, and we have shared it with the company and we still have to discuss it with them as well. But other than that, that's where we are on the management plan for Lanai.

**Comm. Buchanan:** Any questions on the Lanai Cooperative agreement?

**Comm. Kohatsu:** Yeah. The grant for PR – does that contain goals and objectives within the grant?

**Shaya Honarvar:** Within the grant, yes.

**Comm. Kohatsu:** It does. Is that publically available?

**Shaya Honarvar:** I don't know, It hasn't been accepted.

**Jim Cogswell:** I don't think so.

**Comm. Kohatsu:** It does come with an estimated amount, right?

**Shaya Honarvar:** Yeah, so another thing is, usually management plans – from Shane's presentation a couple of meetings ago, there was almost half a million dollars that went into that, right? So the plan that we are trying to do right now is without doing the compliance work, so it would be a document that can guide us moving forward. It's a plan that includes the activities and goals and objectives, but for us to do any of those activities we would need further compliance. Does that make sense?

**Comm. Buchanan:** Yeah, it's a plan to plan.

**Shaya Honarvar:** So we're still discussing it among ourselves and the company whether that would be a feasible thing, because to write the big plan, like the half a million dollar management plan with everything that is involved takes more time. So we're still discussing all those things.

**Comm. Kohatsu:** If the grant is approved, is the Department stuck doing the grant? Or can it be modified knowing that you're fluid thinking about what you guys are going to do for maybe a cheaper or faster alternative?

**Shaya Honarvar:** It can be modified. The federal grants, we can amend those. It's not really a good thing to do, it's not desirable per say, but if it's necessary then we can.

**Comm. Kohatsu:** Also, I guess this grant, since it uses federal aid money, it would undergo Section 7 review, correct?

**Shaya Honarvar:** Yes. But, when you write proposals to write a plan, it's only at the writing stage, you're not doing activities, so the compliance work is not as complicated. It's writing, it's not doing actual on-the-ground work, you're not going to grade or mow or do anything like that, you're just writing a plan.

**Comm. Kohatsu:** I guess where I'm going is, in the event this plan is executed under federal aid money, would that be the only thing the Department can do? So what I'm saying is, say an alternative is proposed, the company would accept something purely state written, or less time consuming and less costly. Would that be acceptable even if this was executed already?

**Shaya Honarvar:** So this is a proposal to write the plan, the plan is by all means not written at all. But once you actually get the consultant on board, and then you have DOFAW staff and hopefully the people from the company and other people involved in the plan, then the plan is going to be written.

**Comm. Kohatsu:** My concern is not the Lanai company staff or the DOFAW staff, my concern is the federal restriction that comes with that plan maybe. So once that thing is in flight and going hypothetically, is the Department now stuck to doing solely that plan or can they abandon it? So the question is this: if you make a plan to keep animals...

**Shaya Honarvar:** It's a big question, because the plan hasn't been written, so I have no idea what's in it. I know where you're going, but it's like answering a question that doesn't have...

**Jim Cogswell:** And the grant will be for the writing of the plan, nothing on the ground. So if we get another grant to implement that, then that's where we'll be running into more of I think where you're going.

**Comm. Kohatsu:** Where I'm going with this is that if the federal review requires you to do something that may be contrary to the intent of what you're trying to do, can you abandon it, or will you be stuck with it?

**Jason Omick:** You can abandon it.

**Comm. Kohatsu:** You can abandon it? Okay. If the company sees that "whoa, this is not what we signed up for," can they abandon it? Okay.

**Jason Omick:** Yeah, we're asking for the money, we try to write a plan, if it doesn't work out it doesn't work out. It's not like we're stuck saying "we used this federal money, now we have to..."

**Comm. Kohatsu:** Because I mean, as an example, let's go wild because I've seen wild: say you've got some endangered coral out there in the ocean somewhere, and they construe that you keeping Axis deer is detrimental to the endangered coral, therefore this plan requires you to heavily control or eradicate the Axis deer, which would be contrary to the intent of writing the plan anyway. In that instance would the department be able to abandon it?

**Jim Cogswell:** Yeah.

**Comm. Kohatsu:** I'm just curious, because I don't want to go down a road that seals your fates on it. I mean, it's private land, so I guess you can do whatever.

**Jim Cogswell:** And the plan isn't the Environmental Impact Statement or anything like that, it's just a plan. And then after that we do the EIS, which may determine something like that.

**Jason Omick:** But the main goal is to use the federal funds to do the planning and use the federal funds to do the implementation. If the compliance stops you from using the federal funds for the implementation, then we'll use other funds.

**Comm. Kohatsu:** Just checking, because the past has shown that this has been a very obstructive thing to getting game work done.

**Shaya Honarvar:** And it's important, again – I feel like I say this at every meeting when we talk about these management plans – it's a management plan, it's not a game management plan, it's an overall management plan. It has game components in it, we'd love to do more surveys, more other things like research on game, but it's not just game specific.

**Comm. Kohatsu:** This is last one: Is the interests of the company in regard to the Department having to write a plan, those objectives the company would like seen between the Department and the company, is that public?

**Shaya Honarvar:** So that's the stage that we're at right now. We have our goals and our objectives, and we talked about it internally to a certain extent, and now we sent it to the company. We haven't had a chance to talk to them yet, so we need to do that before anything moves forward. So I have no idea how they will feel about all the objectives that we sent on.

**Comm. Kohatsu:** Sorry, I lied, I have one more. I have folks asking me that this was a requirement three years ago. Is there a reason why a write-up for a grant is only done now? I think three years ago was when it was renewed.

**Shaya Honarvar:** It was only renewed last year, and we couldn't apply for grants because we didn't have the funding. The grants cycle just started. I actually completed the proposal four months ago, and US Fish and Wildlife Service told me to wait until the grant cycle starts again and they can give me the funding opportunity number. This has been on my to-do list for sure.

**Comm. Kohatsu:** Okay, I just wanted to give them a reason.

**Comm. Buchanan:** Any questions on the Lanai Cooperative? I think my only feedback is that I'm going to call Stan, and I'm going to tell Stan that after just hearing what I heard, that if he has any early scoping consultation on the goals and objectives, I think he'd best meet with Lanai, because it seems like they get the upper hand in the discussion because you folks have your set mandates on what you need to take care of, and I don't see that includes at this point... because you just said that your goals and objectives are being formulated internally. Stan, who represents Lanai, he should be consulted early on, and if that is not open for an internal discussion within the Department at this time that I would advise him to work with Pulama Lanai.

**Shaya Honarvar:** I mean, I don't know the extent of that and I believe Stan is in communication with Shane and John about this, that's my understanding.

**Comm. Buchanan:** Okay, I'll give him a call this evening. I know we have testimony... I'll open it up to testimony on Item 4. State your name for the record.

**James Manaku Sr:** James K Manaku Sr, concerned parent, grandparent, also a concerned cultural subsistence practitioner. You know, I'm really concerned. All I'm hearing was "eradication, eradication, eradication." I'm not sure what you guys are doing, but it sounds like you guys are trying to eradicate the deer, and if there's pigs over there you guys are trying to eradicate the pigs. What's happening? Again, I feel like, I'm not sure you guys have ever heard me testify about Easter Island, but you know we're doing it in the modern times to Hawaiians, not only Hawaiians but all the local people, the Filipinos, the Japanese, Portuguese, everybody. Once we start eradicating on every island, where are we going to get our meat from? Where are our future generations going to get their meat from? All these private guys that come in over here, they think they own the islands, but we've got to look at history. When they came here, a lot of things happened, a lot of things we're hopefully trying to correct. I mean, the greatest country in the world – have you ever seen the Constitution and the Declaration of Independence? Two things that I grew up with, and I was proud to be associated with them. As you can see, I've changed myself; I went back to my family, I went back to the land. And you know, I see things that are terrible. On Molokai, we had a national monument over there called the sand dunes, and you know what happen? Got a choo choo train. These guys want to buy the damn land, and they cannot build their house until they level the ground, and get rid of all that sand. And guess where the sand goes? Shame on them. But anyway, getting back to Lanai – how come you guys are getting rid of the animals? You guys talk so eloquently, everybody talks so eloquently about eradication. Come on, think about the future generations. Don't worry about the people worried about money – we're not worried about money. We're worried about where you guys are going when everyone who has money, going to put us in a small little place. What's going to happen to us? I have 22 grandchildren now, I just added another grandchild, and I thought I was pau with grandchildren already. I have five great grandchildren so far. What's going to happen to their future if we keep on killing the animals, our resources. It was disappointing to listen to the Board of Land and Natural Resources giving away our resources. They're trying to kill all our goats and deer and meat that we depend on. I tried to run for this board too, because that's how important I think it is for our future generation. You guys have to help us. Money is not important. What can you guys get when you have no more money? Walk up in the mountains, you guys can eat, you can get resources. Walk in the rivers, you can eat, you can get resources. Walk in the ocean, you can eat, you can get resources. You guys are the ones responsible, please protect it. Because you guys are the ones making the decisions. And it's not really for the Hawaiians – look at me, Portuguese-Irish, I have Japanese, American Samoan, nothing wrong with marrying out of nationality.

But the Hawaiian in me, I'm proud, all my family I'm proud of every single nationality that gave me my family, I'm not ashamed of my family, I'm proud of them. And that's who we are, protect us. Like I told the BLNR, I'm on every island, Lanai is one of them too. I've got family that own on the other side of Lanai, I've got family that owns land over there. I go over there for my resources too, and I share it with my family. I share it with my neighbors. When I go gather anything in the mountains, my neighbors are the first guys I give my extras to. And anybody else. That's how we are, that's who we are. So please protect that, because I teach that to my future generations, to share, because without sharing we're nothing.

**Comm. Buchanan:** Thank you, Uncle. Any questions?

**Comm. Cremer:** I'd like to state why we're here. We don't make the rules and decisions. For me growing up, if my father never hunted, I wouldn't have had food on the table, whether that be fish from the ocean or the river. Because my father hunted, he would trade fish so I could survive and eat. Plenty of times we would eat chickens that he would shoot and we would eat them. So that's why I'm so passionate and that's why I stay here. And I understand your passion and I understand about being a cultural practitioner, because when I was younger honestly I used to love the kill, but now I love sharing the meat. When I got to a certain age, 13, 14, 15 years old, I looked at what it gave people for nutrition and food, I realized what game mammals were about, fish, and wildlife, plants that could help with sickness, all that kind of stuff, so I understand where you're coming from, but we're here to fight for the people that like to do what you like to do.

**James Manaku Sr:** Thank you very much.

**Comm. Cremer:** Thank you for coming, Uncle.

**Comm. Buchanan:** Is there anyone else in the public wishing to testify on the Lanai Cooperative Management Plan? Seeing none, staff can you continue with the report on Item 4? Puu Waawaa Forest Reserve and Puu Anahulu Habitat Conservation Plan?

**Comm. Masuda:** What we'd like to do is hear an update from the staff and then move from there, because I think there are different ideas, so many ideas out there that it would be good if we could organize and hear them all at one time. So why don't you give us the staff point of view, the branch point of view.

**Jim Cogswell:** The plan for that is, as we've presented in the past, we have the plan set up as a Habitat Conservation Plan, and we've done a lot of work for many years to come up with the research, do the surveys required...

**Kanalu Sproat:** Jim, do you want me to talk about it? Sorry I didn't step up faster.

**Comm. Masuda:** At this point, just so you know, I don't think we're looking for a detailed regurgitation of that entire plan because I think you did a great job a couple of meetings ago on that, but I think it would be good to give us an updated sense of where we are, and what the options remain, because Dave and I had a nice chat and we'd like to be reminded of the various points of view and the various options so we can then have a discussion on them and take a look at how we might move forward.

**Comm. Cremer:** Can I say something before we start? I think we know what your plan is, we'd like to know what your plan is. I like what he brought forward, but was it changed or was there anything else changed, which I probably suspect that you guys changed something. Because I know you guys don't like ungulates at all.

**David Smith:** That's not true.

**Kanalu Sproat:** So, before we go on, a quick review. The general idea of the plan was, we have these areas that are highly degraded, been cattle ranch for 150+ years, but there are still pockets of high quality forest and many threatened and endangered species. So the plan was to fence 80% of the known population of endangered plants, and then mitigate for any loss outside of those fences within the those fence units, and then outside of the fence units manage for increasing game as an HCP. So we had committed in December that we would take that to the Board and get consultation from the Board whether we should take that forward as an HCP or as another form of plan. That was my understanding, so if I'm wrong you guys can let me know. In our process to get there to the Board, we needed to consult with the AG, at least we thought we did talking with our HCP managers, planners, we needed to consult with the AG first, and so we're kind of in that process now of going to the AG on whether it can be an HCP or a different type of plan. That's my understanding of where we are.

**Comm. Masuda:** So all the options are being explored, at least from a legal point of view.

**Kanalu Sproat:** Yes. Whether it can be an HCP, or a different type of plan, that's kind of where we are.

**Comm. Masuda:** I think from an administrative point of view we can look at opening hunting, increasing hunting area and all that, but I think the Puu Waawaa and Puu Anahulu plan, because it involves a lot of threatened and endangered species and they worked ten years on this thing...

**Kanalu Sproat:** Almost 20.

**Comm. Masuda:** I think to summarize, and I think David would support me on this and maybe Jim, that we can look at the Puu Waawaa plan and Puu Anahulu plan as a plan for that area independently of how we might want to expand hunting in other areas. So I think if we proceed that way it will be less cumbersome. So as you work with our AGs on clarifying the various options, we'll have an internal discussion of those options, and then we can report back to this commission on how our staff decision would be in terms of how we'd like to move forward. I think if we look at it as an independent area kind of thing, it might be less humbug than looking at it as all of the hunting rules. What do you think?

**David Smith:** Quite frankly, what I'd like to do with that plan is open up more hunting there. I'd like to liberalize those rules so there are more hunting days. I mean, right now at Puu Waawaa I think there are like 16 days for the year archery only, and that's it? Puu Anahulu, there's three months of weekends and state holidays with archery only?

**Comm. Masuda:** Recently I learned more about crossbows because my son is involved with someone who is hunting. When you talk about archery, bows and arrows, is crossbow included in that? Why not?

**Comm. Cremer:** You need a medical permit in order to carry a crossbow in a hunting area.

**Comm. Masuda:** How can crossbows be a regular piece of archery?

**Kanalu Sproat:** We are working on that right now as an addition to the rules.

**Comm. Masuda:** So, from a hunting commissioner's point of view is the use of crossbows an okay thing or a no-no thing?

**Comm. Cremer:** Depends on where you're going to allow them to hunt, because a crossbow is like you shooting a rifle versus a regular bow. You get so much advantage with a crossbow, I don't think a crossbow should be allowed unless the person is physically incapable of being allowed to hunt in an archery area.

**Comm. Masuda:** Or can you use a crossbow in a rifle area?

**Comm. Cremer:** Well, that rule change would have to be made.

**Comm. Masuda:** But that wouldn't be too objectionable to you, using a crossbow in a rifle area?

**Comm. Kohatsu:** You guys can finish, but Chair, I have a big discussion on this as soon as staff is done presenting what they want to present and as soon as we're done going on side topics about crossbows and not sticking to the agenda item. So whenever you're done...

**Comm. Cremer:** For me, my question would be for Dave is what would be the sustainable level that would bring balance to that area so that we would still be able to have sustainable numbers for people to have successful hunts and still protect the plants. Again we go back to game management and a management plan that is going to be successful. The plan I heard him say at the last meeting or the meeting before where he made his presentation I thought was pretty balanced for everybody, we're going to close off the areas that are the most critical parts for the plants, keep the animals out – which they never had before for hundred something years, they had cattle running through those areas – and then still have sustainable hunting for the people who want to hunt archery. That's my take on it, and when you say "I'm going to open up this place seven days a week, I'm not going to have a bag limit," it's like you're saying we're going to eradicate. Because there are people in the hunting community who are not responsible and don't care about being sustainable or a conservationist. They like to just go ahead and kill, take the meat, do whatever they want to do, give it to their friends and neighbors or just throw it or take it for a trophy.

**Comm. Masuda:** So, I have to understand this better. In a sense, our hunting rules and limitations and stuff like that is not necessarily to control responsible hunting, it's to control the irresponsible hunters. Is that what I hear you saying?

**Comm. Cremer:** Of course. Because if I go to a hunting area, I'm going to take what I need for the day, I'm not going to keep taking. There are people that aren't like that, they go there and just shoot. They shoot something and go there and look "Oh, the horn is not to my standard, I'm going to shoot something else, until I find something to my standard." Not necessarily in a bow area, it's just hunting as it is, because the younger generation of people that were taught about sustainability and about gathering don't think the way most of the responsible hunters think. They go in there, they shoot, and oh, he only saw the horn from one side, he didn't see the other horn was [indiscernible] so he's going to leave it there, because they're only trophy hunters. So when you open things up seven days a week, 365 days a year, don't have a count, it's like eradicating.

**Comm. Masuda:** Okay, maybe I made some wrong assumptions.

**Comm. Buchanan:** That's only half of his assumption. His question was if the rules pertain to people that are not responsible hunters. I think overall it's the sustainability of game within the area that a game management plan alludes to for the people who hunt for this commission.

**Comm. Masuda:** For responsible hunters.

**Comm. Buchanan:** Anything. You can open up Mauna Kea all day every day with no bag limits, but at the end what you need to know is baseline how many animals you have, how many does Uncle need, and make sure that I keep count of everything so I make sure that Uncles rights are not trampled over by providing the x amount of deer he needs. And all of that comes with a management plan like Ryan is always talking about.

**Comm. Kohatsu:** It also helps when we stay on the agenda items.

**Comm. Buchanan:** Yes, because I know Ryan has a lot to offer up on this agenda item, thank you for that, we will stay on the agenda item. So we're in discussion right now, we know that it's problematic internally between the Department of varying views, otherwise we wouldn't be 20 years down on this subject. I'm going to jump into questions already, so Ryan why don't you just go for it.

**Comm. Kohatsu:** Is the Department finished? I know you were alluding to deregulating seasons essentially.

**David Smith:** Well, I think that you can hunt goats and pigs year-round daily, keep bag limits, I don't care, because I don't think most guys are going to take out more than two pigs per day. I've been hunting with guys dog and knife and we never got anywhere near a bag limit, not even close, so bag limits to me don't really matter. So if you want to keep bag limits that's fine, if you want to get rid of them that's fine, I don't think it's an actual control on what hunters are doing in the field, I think you can hunt goats and pigs year-round daily and not have a detrimental effect on population, and you'll give huge amounts more access to hunters.

**Comm. Kohatsu:** Is that a thought, or data driven?

**David Smith:** That's my personal opinion based on doing this for thirty years. Opening up all the areas on Oahu to year round daily, not having complaints from hunters, and we give the guys access. So what I think is, you don't get that many more hunters. If you go from weekends and state holidays to daily, you open up 66% more hunting days, but I don't think you get 66% more hunters for 66% more... we don't see it in the data. We don't get that many more hunters or that much more take. What you do is just spread that effort out to a wider area, so you have essentially the same number of folks spread out thinner on the ground, which I think is beneficial to hunters, and the animals adapt to the hunting pressure. Also from a resource management standpoint, the animals adapt and it makes them move around a little bit more. Otherwise they just sit without any hunting pressure and just blast an area, and I think hunting pressure naturally moves them around.

**Comm. Kohatsu:** Okay, so without getting too subjective and how we view what we're doing, would the Department be amenable to perhaps accepting a target population objective?



**David Smith:** Yeah, we could do target. I mean, my personal and professional opinion is that population targets aren't the best metric, because it doesn't necessarily account for how hunters are using an area, the amount of pressure, different methods. So you can look at populations but I would rather look at success per unit effort, and also just how hunters prefer to use the area.

**Comm. Kohatsu:** But we model and we survey these things pretty frequently, right, Lanai does it. We see Kanalu's work at Puu Waawaa with the sheep so far and I believe a goat one has been done. Now I don't have requests from my community on the Big Island to liberalize and deregulate hunting there, but I do recognize and understand that there are concerns of people seeing these on the highway and on the roads and other stuff which may or may not be on DOFAW managed lands, and all these things. What the concern of the community I represent is that one, you could liberalize the season and do that that and it may or may not have an effect, but unless we measure that saying that is very subjective. So it would be my ask and maybe in the interests of the community as well to avoid that and find a way to measure this. I don't know another way, maybe your hunter success thing can be one, but the hunter success can be skewed toward that as things decline and there's less and less, that there's this idea of self-regulating, maybe they show up less and then you see less. So then you'd be managing to something else [indiscernible] right? So I really want to lean towards something that's unbiased, very quantitative, and it's something we're going toward already, we're getting this technology of being able to count or even survey with cheaper game camera methods if that's acceptable. But I'd like to go that way just so we know where we are, so that there's some data to go plus minus instead of liberalize. Because I know if I go back to my community and I tell them "hey guys, let's open it up to whatever" they're going to be upset. They're going to tell me "Ryan what the hell, this is not what we're asking for, we want to see some kind of model that has some kind of look into the future of the resource, whatever that is." And this is what I've mentioned many times before in this commission. You can pick a number, I don't care what it is, it can be zero, one, 1,000, 3,000, but we have to pick something. And it's not like pigs... I understand that what you're referring to as pigs and deer are very difficult to count and stuff, but we're talking about an open area relatively easier to manage than other areas, maybe without ingress/egress, does that make sense?

**Comm. Masuda:** Is the kind of system or standard that you're talking about, can we apply that to this Puu Anahulu, Puu Waawaa thing and then use that as a project...

**Comm. Kohatsu:** Specifically, yes. Actually, almost exclusively, because it is easier logistically relative to other places and other species to do. It's easier to count sheep and goats there than probably a lot of other areas to be honest.

**Comm. Masuda:** So why don't we continue this discussion on how we can include this and move on Puu Waawaa and Puu Anahulu?

**Comm. Kohatsu:** I'd also add that you can liberalize the seasons, and case in point there's literature – and this is a separate area but similar – already written about how you liberalized seasons on Mauna Kea because of the court order and all these things, and your population still expanded.

**David Smith:** Exactly. That's my point.

**Comm. Kohatsu:** So what I'm saying is, set a target, and we manage to that target, we don't let those subjective things, and let them make their own choices and end up in that situation, let's pick a target

and let's go there, and we manage intensively to that. I don't know if that's way unreasonable, but that's where I want to go so we avoid this situation of just doing whatever and then this phenomenon happens that's already been...

**David Smith:** I know, but you just supported my point, where you open it up and populations continue to expand.

**Comm. Kohatsu:** I know, but we're talking about sheep, we're talking about a huge, very hard to access area. Compared to Puu Waawaa and Puu Anahulu a lot goats and stuff, this is Mauna Kea – huge elevation, not everyone is physically fit to handle that. So it's a slightly different dynamic, but again I don't want to go down that subjective road, because that's very subjective. I'd rather pick a target population, because with Mauna Kea you picked a target population and you said like "100, by this date" – I know the goal is zero, but say we said 100 by this date, maybe we don't let 8,000 happen, maybe we fly more if you had to meet whatever the court order is, or say it's an area that doesn't have that court order like Puu Waawaa for goats. Say you pick 1,500 based on some historical survey or something. If we start getting a little high plus or minus something, then yeah, open up the seasons. Have them maybe take more nannies, reduce the recruitment rate. If it starts getting too low on another survey, then limit the tags, limit the access, whatever it is. But simply just opening it up, I don't know. If we're going down that sort of road, it could create a lot of other issues.

**David Smith:** Well, it wouldn't be simply opening it up, it would be opening it up but we're going to be monitoring by hunter check station data. We all agree that that data isn't very good right now probably, some areas are better than others, and we're trying to get systems that would make that better, but we would be monitoring the number of hunter trips, success per unit effort, total number of animals coming out, and we have data going back a long time for that, right? So we've got graphs and we can say "here's where we changed it" and we can see what happens to that graph.

**Comm. Kohatsu:** I'm familiar, but I'm going to say that data is influenced by the interest of people going though. So if the interest drops because they self-regulate, which is a term I see thrown around a lot, then that data is skewed.

**David Smith:** Okay, well we can talk about that. I don't really understand that...

**Comm. Kohatsu:** If you're saying success per hunting trip, as guys go more and more and more, say the population does reduce hypothetically, they have less interest in going there because it's not productive anymore. As it becomes less and less productive, maybe it becomes self-regulated and it expands again and then they go again. But I'd rather see the interest maintained.

**David Smith:** But you'll see that in total number of hunter trips, right? Total number of hunter trips, success per unit effort... So you're looking at different lines. Maybe the total number of hunter trips might fluctuate, you know we have data on what it is now, and we would increase it by opening it up more, that may increase the number of hunter trips, I don't know, maybe it will decrease. But that will be the monitoring for how much interest you have.

**Comm. Kohatsu:** I mean, we should discuss this maybe...

**David Smith:** Yeah, I can sit down and talk to you about this.

**Comm. Masuda:** Madam Chair? In the interest of moving to other things, I would like to get the commission's support that David and I will personally work with Ryan and Kanalu on this Habitat Conservation Plan, game management plan.

**Kanalu Sproat:** I'm sorry, I have to ask. Are you saying you want to do this, Dave, in the place of an HCP and not do an HCP? I'm confused on how this links to us moving forward on an HCP.

**David Smith:** It would feed into the management plan.

**Kanalu Sproat:** So, the agenda item is the HCP, it's not hunter seasons, but we're talking about it because it relates.

**David Smith:** It totally relates, it's part of the management plan.

**Kanalu Sproat:** Yes, I understand that. We haven't decided if we're going forward with an HCP or a different plan, and we haven't had any discussion about that either, we're talking about hunter seasons. That's what I thought the agenda item was. If it's not, that's fine.

**David Smith:** I haven't made up my mind whether we're doing an HCP, but part of what the plan ends up being, and the seasons is part of the plan, is going to determine whether you go HCP or not.

**Kanalu Sproat:** Can you explain that to me?

**David Smith:** Because an HCP is a permit for us to kill endangered species. As a Department, do we want to go there? Is that going to be our policy?

**Kanalu Sproat:** We issue HCPs in other places, correct?

**David Smith:** Not to us.

**Kanalu Sproat:** Not to our division, but to other state agencies?

**David Smith:** Other people kill endangered species.

**Kanalu Sproat:** And we allow that with a permit.

**David Smith:** Yes.

**Kanalu Sproat:** So we don't want to allow that for ourselves. I'm okay with that if that's how we're going forward, so we need to be clear on that. So we're not doing an HCP, we're doing another plan, that's what we're doing now?

**David Smith:** I didn't say that. I said we haven't made that decision yet.

**Kanalu Sproat:** Okay, we don't know yet. Thank you.

**Comm. Masuda:** I would like to move toward making the decision.

**Comm. Kohatsu:** I'm just curious, how far... there was a plan passed in 2003 for the ahupua'a Puu Waawaa, I'm holding it. I assume this is just purely a Board approved plan?

**Kanalū Sproat:** For the history on that as well: When the land was given back to DLNR and DOFAW there was a Puu Waawaa advisory council made up of local people, different agencies, and they created this plan which got approved by the Board in concept, and this plan was supposed to lead to an HCP. So all the stuff in here is kind of like bullet points, kind of summarizing what they wanted done, and the HCP was meant to fulfill this plan, which was approved by the Board with public input and support. So that's twenty years of work, and if we're going to move a different... you said you don't know yet, and that's fine. I would like to know sometime.

**David Smith:** The thing is we're going to have a management plan, but we may not need an HCP.

**Comm. Kohatsu:** Okay, that's where I'm going. So if you don't need it... I note in this plan it has some objectives. One of the objectives back then was "most areas outside of proposed conservation units contain little native vegetation. DOFAW personnel have determined that some of these areas are capable of supporting sufficient animals for a sustained yield game mammal hunting. Proposed action areas outside of proposed conservation units will be open for game mammal hunting and managed as a sustainable resource." Expounding on the management as a sustained yield resource, I believe the last time we spoke about this, the question was how far could the Board go in approving such a thing as managing for a sustainable resource? That would have been where we're going. Can the Board approve a target population or something like that?

**David Smith:** The Board would approve the management plan. That's what we're talking about. So I think Bob's plan is good that we get together and talk about the details some time. What we're talking about is details in the plan that maybe aren't appropriate to talk about here in an open session.

**Comm. Buchanan:** It's totally appropriate.

**David Smith:** It could take hours and hours. If you want to do that, that's fine.

**Comm. Kohatsu:** No, I don't want to do that.

**Comm. Masuda:** Neither do I. I'd rather work with a group focused on that representing the island both from a staff and volunteer point of view, and I really would like to see this come to a head and get moving forward.

**Comm. Kohatsu:** Right, so I guess the path forward is high level. Well, can I even get an answer – this would be something Board approval, what we're asking for?

**David Smith:** The management plan would need Board approval.

**Comm. Kohatsu:** So going forward it would be a submittal on behalf of the staff for the Board to adopt whatever management plan the staff comes up with.

**Comm. Masuda:** Well hopefully, with the inclusion of you. Because I don't want you out there throwing a stone at me, I want you up here making the presentation.

**Comm. Kohatsu:** Right, sure. Because I believe the staff, Kanalu's question was "what is the path forward?" and if the path forward was "okay, let's create something we can put in front of the Board," then I'm all for that.

**Comm. Masuda:** Are you good with that, Kanalu?

**Kanalu Sproat:** Sorry, I was reading a comment from Edith. I made a misstatement – it was approved in concept, so it's not fully approved because there's no compliance documentation or EA. She's saying that whether we liberalize hunting or not and whether we approve take or not there's still take happening while the plan is meant to mitigate for the take. So we fence off these high quality areas where there's 80% of the known T&E species, and we're still going to fence off all the individual plants that we know, but we still consider those lost and we mitigate for that inside these fences. So if that's not acceptable...

**Comm. Masuda:** Is Edith promoting that point of view?

**Kanalu Sproat:** She wrote this plan. Yes. And Edith, you can tell me if I was wrong and I'll tell them if I was.

**Comm. Masuda:** I'm trying to work on something in which I can support your point of view, and your hard work and Edith's hard work and work together so that David and I can support that in such a way that we can get it publicly supported, GMAC supported, etc. and use this as a wonderful model for working together. Whether we come up with the perfect outcome remains to be seen, but it's a work in progress. And that's why we've got to work together.

**Comm. Kohatsu:** Was the already established EA – was that already put in front of the Board? Where did that go?

**Kanalu Sproat:** The EA that we drafted as part of this? So we did draft an EA, but it wasn't complete. The agency that we contracted didn't include the game management part in their Environmental Assessment. So we have to then internally discussing to move forward to amend the EA with the game management now included, but that hasn't happened yet. Is that what you're asking? So the first part of the EA was all good, it went to public review, but it didn't include the game part, it was only putting in new fences, maintaining the roads, it wasn't the effect of the game on the area.

**Comm. Masuda:** So is staff working together now to complete that part?

**Kanalu Sproat:** Yes.

**Comm. Masuda:** Good. Well let's proceed along that direction.

**Kanalu Sproat:** So move forward with that?

**David Smith:** Well you need a plan to get an EA, so you get an EA for a plan.

**Kanalu Sproat:** Right. And so the EA was based on the HCP plan, and now what kind of amendments are we going to make to the plan?

**Comm. Masuda:** This is not a GMAC decision, this is an administrative decision. Dave and I will get together with you folks, Edith, Jim and Emma, we'll work together as staff, we're going to make this work. Outside of any other hunting or whatever, I'm just talking about Puu Waawaa and Puu Anahulu.

**Comm. Kohatsu:** So is there a potential that a new Board approved plan would have to have a separate accompanying EA?

**Comm. Masuda:** And if that is so, then that's what we'll do. We'll see what kind of fence we have to jump over.

**Comm. Kohatsu:** Or can the work that's already been established on the HCP kind of dovetail into it in some way?

**David Smith:** HCP needs an EA or and EIS.

**Comm. Kohatsu:** No, I mean if we're already relegating to the idea of abandoning the plan if you had to abandon it because that doesn't get you anywhere...

**David Smith:** We're not abandoning it.

**Kanalu Sproat:** We did an EA, it just wasn't complete because it didn't include the game management side.

**David Smith:** So did it get passed by the Board?

**Kanalu Sproat:** We didn't take it to the Board yet, because we need to update it.

**Comm. Masuda:** If we did the missing part and included it with the already completed EA part, we could take it to the Board?

**Kanalu Sproat:** That's what we're trying to work towards.

**Comm. Masuda:** Okay, fine. That's what we're going to do.

**Comm. Cremer:** My question for both of you and Edith is, why did you let him and her work on an HCP plan for all this time and effort and now you're going to move away from the plan? What is the reason, and what is the justification?

**David Smith:** Well, they've been working on it for 20 years and I've been the administrator for three, so I'm having to come in and re-assess what's going on, and I'm looking at – it's a huge policy decision to go for an HCP, for our agency to get an HCP for ourselves? It's huge, like "can we do this, is this even what we're supposed to do?" And I've got questions about the plan, I've got issues with the details in it, things like seasons and access for hunters. So there are things in there that need to be worked out, we just aren't to the level of detail where we have, to me, a plan that I support. And I want to see more detail in there and I want to consider other things like additional hunting days, additional access for hunters, that's something that I support and something I want to talk about, and it hasn't been worked out yet.

**Comm. Masuda:** You say this is a big thing for us because normally we're the agency that approves HCPs. And so if we're going to approve something within our own agency, we've got to damn well make sure it's well done.

**Comm. Cremer:** So my question to Kanalu is, in the last three years since he's been on board, were you working on the HCP throughout that time?

**Kanalu Sproat:** We've been working on drafting the plan. There's several steps in the process so yeah, we've been working on it as Dave has been our administrator.

**Comm. Cremer:** So if you thought that it was faulty, why didn't you halt it?

**David Smith:** We've talked about this multiple times, and I didn't say it was faulty, it's just a technicality really. If you're going to have a management plan, is it going to be a management plan or is it going to be an HCP, which is a completely different thing. It's a management plan, but it's basically something to give you a permit to be able to take endangered species. Do we need to even go there?

**Comm. Cremer:** You mean take in a legal way, or by accident?

**David Smith:** Either one. And I'd rather get to where we don't need an HCP.

**Comm. Cremer:** And how would that be done?

**David Smith:** Some of it could be opening up access, that type of thing.

**Comm. Masuda:** And our practice in protecting our endangered species is so fantastic.

**Comm. Kohatsu:** Is simply opening up access and deregulating hunting a plan?

**David Smith:** Yeah.

**Comm. Kohatsu:** A plan to do what though?

**David Smith:** To provide more hunter access. My personal and professional opinion is that you could open that place up year round daily for archery and you wouldn't have any negative impact on those populations, you would not drive down those population.

**Comm. Kohatsu:** We talking about goats and sheep?

**David Smith:** Goats and pigs. I don't think archery is an animal control method quite frankly.

**Comm. Kohatsu:** And there's a difference for sheep, apparently?

**David Smith:** Yeah.

**Comm. Kohatsu:** What would that be exactly? Because the HCP includes sheep.

**David Smith:** Right, we'd do something different for sheep. I've got to talk to Kanalu about that, how they want to manage sheep. Because sheep is a struggle up there, so...

**Comm. Masuda:** Can we include bird enhancement?

**David Smith:** Oh, we've got gamebird stuff, we can do...

**Kanalu Sproat:** We don't want to include game birds in the HCP if we continue with an HCP.

**David Smith:** But we can do really aggressive game enhancement stuff for gamebirds and not run afoul of endangered species laws.

**Jim Cogswell:** And we're doing that.

**Comm. Kohatsu:** So I'm just telling you that my community is going to oppose the deregulation of the seasons and that stuff. They're going to want to see a forward-looking resource population management type thing.

**David Smith:** What if we did an experiment, and we open up some area in there year round daily and we leave the other one restricted like it is now?

**Comm. Kohatsu:** I'm not sure. Because for one, that would have to go through administrative rulemaking, right?

**David Smith:** No, we could do it by permit.

**Comm. Cremer:** I don't think that experiment would work, because in the year round area they'll be hunting year round, they'll push all the game into the non-year round area. The population will move because of pressure.

**David Smith:** What if we designed a study that you were comfortable with. Could we bring you a study and you would consider it?

**Comm. Cremer:** I'm open for anything as long as we would have game at a sustainable level.

**David Smith:** I think that is my plan. My proposal is to do that.

**Comm. Masuda:** If there are no other questions, the staff will be working with Mr. Kohatsu, who is the representative for the Big Island where this particular area is, and our staff who work directly on this, Kanalu and others – we're going to go in a room and lock the door and not come out until it's finished. Just get ready, we're going to be getting on this. Thank you very much to both of you for your passionate arguments, and David also for your passionate argument. We are going to get a handle on this and vet out all the different arguments so we can come out with a reasonable, rational, and well-thought out plan that everyone is going to be able to live with, and for once my island also, which is the same island Mr. Kohatsu represents, will all be happy, so I won't have to look stink eyes when I go home.

**Comm. Kohatsu:** But don't deregulate, because then I'm going to get stink eyes.



**Comm. Buchanan:** I'm going to open this for public testimony, but before I do that I just wanted to caution the Department. That old 2003 or whatever input that was given by the community back in the day, I hope you guys respect that. Because we go through this all the time on the island of Molokai, and to not take comment no matter how old it was, from people who sat through countless hours to give public testimony, who are probably all kupunas now, would be disrespectful. So I hope you guys honor whatever input you got at the time when the plan was for the area, because they were probably all practitioners for the area, so the cultural perspective is important and I just wanted to ask that you respect that. So at this time we'd like to open up public testimony on Item 4, on the discussion you guys just heard. If anybody in the public wishes to testify, please come up and provide testimony and state your name for the record.

**Maxx Phillips:** Aloha mai kakou, Maxx Phillips from the Center of Biological Diversity. I'm the Hawaii director and staff attorney. Mahalo Chair and Deputy Director and commissioners for taking up this very important issue. It's been a long time in the making. I too am from the Big Island, I too have been hunting in this area with my father and have seen just recently the degradation of not only some of the animals there because of not having a proper plan, but also of our critically endangered plants. And so I just beseech this Commission and the Department to consider that with the sheep there, regardless of what happens there is take occurring and take will continue of these endangered plants, and these are plants that in some instances grow no other place on any of our pae 'aina, so really it is the kuleana of everyone – not just the hunting community, not just the Department, not just hunters, but everybody – to make sure these are there for our mo'opuna too, as well as continuing our sustainable hunting. So I beseech that in this closed door meeting where Uncle Bob is going to lock everybody in to figure out what happens, that you bring into that space these other speechless critters that can't advocate for themselves. Mahalo.

**Comm. Kohatsu:** I do have a question for the testifier. Just to get a sense of the community that you represent and maybe their inclinations. How does your community, or perhaps even yourself, feel about the cattle grazing that is ongoing in the ranch and the fire management system?

**Maxx Phillips:** You know, I'm from the Big Island too – the fountain grass is out of control. When you look at our landscape, I mean... lock yourself in a room and fix that, that's what we need to fix!

**Comm. Masuda:** I only deal with the possible, not the impossible.

**Maxx Phillips:** Uncle Bob, I don't like you to be so negative. That's possible too, we can do it. So of course that's a huge issue, it's a huge concern, there are fire breaks, but I think that that's why having a detailed Habitat Conservation Plan or management plan that is going to successfully address all those issues is imperative. We can lose, as we've seen before on the Big Island, just as many of our endangered species like that from fire as we can from mismanagement. But it doesn't mean that two negatives equal a positive. And for my community, this is my community. I've only been on Oahu for ten years for school, but I'm from here.

**Comm. Kohatsu:** I'm just curious, because I'm aware that there are individuals of endangered species out there that are isolated around a lot of degraded fountain grass habitat and stuff, and I know that there's opposition sometimes to accept that that's kind of a hopeless cause and it's more important to protect elsewhere. How does your community feel about that situation?

**Maxx Phillips:** Well that community would be the science community, right? And so, piecemeal mitigation like we're seeing there, in some instances with tiny fences around one aiea tree is not going to save the species. You see those plants are not doing well, you need a full ecosystem-based approach to make sure that we have a healthy seed stock, that we can build back our native dry land forest which is crashing. I mean talk about being negative – our dry land forest is disappearing in front of our eyes. And so what the science community probably would say, and I don't have the dry land forest experts here with me in the room, is that we need to have a bigger fenced area, which is what DOFAW is actually trying to do as we speak, God willing that the Legislature gives funds. So I'd say that an important thing to keep in mind is that this take is still occurring and it will continue to occur, and how do we properly move forward together as Uncle Bob said. How do we all manage it in a way that's going to benefit everybody. And the way that it's happening now, we're not seeing the benefit.

**Comm. Kohatsu:** Is that different location mitigation type work, is that acceptable to your people? I see their concerns, that a cow can come literally and eat one of these plants right now. In fact, it may be happening right now as I'm speaking and the world could be ending.

**Maxx Phillips:** You better hope it's a plant and not one of those larvae from our Blackburn Sphinx moth!

**Comm. Kohatsu:** Right, is the community that's interested in those kind of things amenable to, would they accept the idea of mitigating elsewhere because these areas are so degraded and maybe not a good spend of funds when it could be done better in the existing fences or those places?

**Maxx Phillips:** It just depends. Some of these species are so specialized in what kind of system that they need that there isn't an adequate different place to be able to mitigate for them. You've seen the elevation change and how drastically our plants change from the dry land forest, and what can be successful in one place and what can be successful in another, whereas ungulates can be successful in all elevations, pretty much. It's just that weighing of the benefit analysis of what could be done and what couldn't be done. If there was a good management plan that folks in the science community said "yes, this makes sense, this is going to result in ..." because also our state endangered species law requires a net benefit to the species, they need to be better off with than without. So it's not enough to say "we're going to fence this many aiea trees," they have to be better in that area than they would have been without the action.

**Comm. Kohatsu:** I'm going to be done after this last one. Do you make a difference between the science community and the DOFAW staff?

**Maxx Phillips:** No, we have plenty of scientists on the DOFAW staff.

**Comm. Kohatsu:** Okay, because I see differences between what the staff feel, and what the science community and the Endangered Species Recovery Committee think. So there's friction there, and that's what stops progress.

**Maxx Phillips:** Yeah. I mean, even look at the hunting community and we all fight about what kinds of guns we can use, whether we can have a crossbow or not, whether we can use dogs or not. In any situation you're not going have a consensus from anyone. It doesn't mean that you shouldn't be moving forward.

**Comm. Kohatsu:** I was just curious whether your community would weight decision making toward the scientists or toward the DOFAW staff who are actually here.

**Maxx Phillips:** I mean, my organization would weight what would be in the benefit of the species.

**Comm. Cremer:** My question is, you have the HCP plan from Kanalu and the other girl on the Big Island that they're working on. Did you get a chance to look at it?

**Maxx Phillips:** I reviewed it.

**Comm. Cremer:** And what did you think about that plan?

**Maxx Phillips:** The existing plan? I think the hunters have been in support of it from what I've seen of the reported testimony. The fenced area is likely too small to benefit the species at the level that I think legally they would be required to. So that would be just my broad sweep comment.

**Comm. Cremer:** So how much bigger would the fences need to be?

**Maxx Phillips:** I'd have to do a more thorough mapping for me to give an accurate number for that. Sorry, I can't say right now with confidence.

**Comm. Masuda:** You know we always pick on animals, but we need to pick on fountain grass too, because some of our species are more in danger of dying out from fire that fountain grass supplies, it just goes nuts over there.

**Comm. Cremer:** And for me, I'd just like to let you know that I'm fighting for sustainable game management. I never want anyone to hear me testify in any public hearing on this commission that we don't need to save the plants or our critical creatures that are from Hawaii. But I think there should be a way where we can have balance, where everybody can have what they want. And I don't see – and they're going to disagree with me – the vast majority doesn't want any ungulates at all. The numbers are zero everywhere. And I don't want that, I want balance, that's all I ask. So I can be able to do things with my grandchildren, be able to show them how to gather, eat, trade, things like that, that's all I ask. I think we need to be able to protect the endangered species and plants, because everybody has their own interests. You love plants, I like plants. I love gathering. Thank you.

**Comm. Buchanan:** Question, Maxx. Is it possible?

**Maxx Phillips:** Of course! Of course it's possible. Honestly, here in Hawaii we have the smartest people in the whole world, I know. Because look, the smartest people are sitting on all of our answers. We have the amazing indigenous science and knowledge from our kupuna that has been passed down to us. So we have that solid foundation, and then we have the innovative minds of everybody now who have grown up through a good school system – I don't care what anybody says, our public school systems are great – we can of course do it, we can do it in house. But it's going to take a lot of cooperation, it's going to take listening to other sides of people who you normally wouldn't, unlikely bedfellows. Normally you wouldn't want to get a plant nerd and a not-plant nerd in a room together – I'm joking. So it is possible, but it's going to be a difficult process to get it through. But we can't have blinders on anymore, because it's not working for the animals, it's not working for the plants.

**Comm. Cremer:** I have one more question. I like what you said, but do you think the people on your side think the same way as you?

**Maxx Phillips:** On my side? Are you joking? My organization is all vegetarians. I showed up to my first day of work with smoked meat and dried fish, you should have seen these haoles' eyes, they were like "what is happening?"

**Comm. Cremer:** No, but I mean being able to have balance.

**Maxx Phillips:** Yeah, of course. Of course. Thank you, folks.

**James K Manaku Sr:** James K Manaku Sr, concerned parent, grandparent, great grandparent, also subsistence cultural practitioner. Amazing. You're right Mr. Cremer, one thing about being on the Board, you have to have the feeling to be pono with what you're doing. First of all, when we look at the forest, what comes from the tree? Seeds. Our ungulates don't climb the trees, and of course they eat the seeds, then what they do is they let the seeds go and where they dig, that's where they let the seeds go, and the seeds grow. But what eats the seeds more than the ungulates? Birds. But they don't control the birds, they control the ungulates only. The birds climb up on the trees, they eat all the seeds, they eat the fruit, they eat the flowers, all the nectar, and then now we're getting a lot of these birds that come from all over the world, they have these long bills even. All these birds that come from the pet shop, they compete against all of these birds. And some of them that are bigger than our birds kill our birds, but I don't see anyone grumbling about all these birds being killed by the birds from the pet shops. I don't see any programs addressing that. But yet they attack the ungulates. What a shame. If not for the ungulates, like you were saying, the fire grass... you know, our mountains are becoming overrun with grass that the goats no longer eat. We have a lot of firebugs, as Josiah can attest to, that make fire, and the whole mountains burn. Before it never used to burn that much. And yet, nobody is addressing the grass, nobody goes up there to cut the grass. When you guys kill all the goats and pigs, I don't see anybody from the state coming over to tell us "you guys here, we'll give you guys this money, go buy food for your family." I don't see anybody who grumbles about the ungulates tell us that. My son has eight children, nobody comes up to him to tell him "here, this is for you and your family, a supplement for you guys." My son had to walk up the mountain, walk into the valleys. The choices we make are the choices we make, people are going to go hunting, they don't have to go hunting. So we need your help. You guys say you're going to use bow hunting in a certain area – we don't hunt with bow, we hunt with knife, and sometimes we have to take a gun, because as Cremer can tell you, we have some big buggers up there. And even if I had ten dogs, I'm not going there, because some of those boars have mean tusks, as Cremer can attest, so we need a gun once in a while. The kids today, I don't know where they get the money to buy a thousand dollar gun. We don't need a thousand dollar gun. All we need is .30-30s. But what we need, and what we use most of the time, is a knife. That bow hunting, we're not the kind that do that, all we need is a knife and dogs. We need your help in going hunting with knife in the bow hunting areas, and I tell my friends on Kauai "it's open, go help. If you guys can get one or two, go inside and get them," and I tell my friends that on the Big Island too. On Kona side, I went hunting there one night barefoot – I became a legend. We went in one of those places up there and I walked the whole time barefoot, and their guys went nuts. Anyway, the thing is they don't mind hunting, they don't mind coming out, but they don't like getting arrested. So I told the guys up there, give them my name. So if you guys go up there and you hear my name, please don't arrest them, because I told those guys that you guys had a problem with the ungulates up there and on Kauai. If they give you my name, I told them it was alright because you guys have a problem.

**Comm. Buchanan:** Thank you Mr. Manaku. Any questions for the testifier? Anyone else from the public wishing to testify on this item? Seeing none, I'm going to close public testimony and we're going to take a break.

BREAK

**Comm. Buchanan:** Are we discussing the Hawaii game management plan?

**Shaya Honarvar:** We have a very quick update about it.

**Jim Cogswell:** The commission asked us to do a statewide management plan, and we've got today a bill was heard by WAM to fund our management plan. I didn't hear yet whether it passed.

**Comm. Buchanan:** What number is it?

**Shaya Honarvar:** HB1405.

**Comm. Buchanan:** What does HB1405 say?

**Shaya Honarvar:** HB1405 just gives a number. It says LNR804, which is where the game funds are, and it gives you a number for the first year and a number for the second, it does not explain what it's for. We asked for funding for a couple of research projects, and for the statewide game management plan, and also for GMAC to be able to function after this year. So we included those funds, but it needs to still pass today's hearing, then it needs to go to conference, and it still needs to pass that as well. So it's not for sure that we have those funds yet, but the update is that we asked the Legislature for G funds to help us out with those projects. Hopefully it will work out.

**Comm. Buchanan:** Okay, so this is the type of situation that I would hope that the Department would share with the commissioners, because then we can be proactive in supporting the ask of the legislature. And in this case, where GMAC is included, and a request that GMAC has done, it makes perfect sense for us to show up or to write a letter in support. I mean, that's a switch, right? So I think it's a good start to prove that we can actually collaborate on items, but unless we know about it in advance, and you probably knew about it because it had to make crossover... In the future it would be good to have this type of issue come to the commission so we can be supportive, and vice versa.

**Shaya Honarvar:** I believe the funding wasn't included, and then it was included, it went back and forth.

**Dietra Myers Tremblay:** I believe in that HB1405, you're talking about the funding for game management, right? It was not in in the initial bill, it was something that was amended and put in throughout the process, so we didn't know.

**Comm. Buchanan:** I know, and it's a tracking nightmare too, we understand. But thank you, if it makes it today, then we'll see where it goes. So after today it's already into conference?

**Shaya Honarvar:** I believe so, yes.

**Comm. Masuda:** If it's into conference, it's important I think what she's saying though. It's critical, even just an email to all the commissioners saying this particular bill has passed this, it's in this situation, get a support email to your favorite legislator...

**Comm. Buchanan:** Or committee members.

**Comm. Masuda:** That would be good, do we know who's on the conference committee?

**Comm. Buchanan:** There are members in this committee that do have friends in the square building across the street that's supposed to look like [indiscernible]. That's all I had to say about that, so thank you very much, we appreciate that. Anyone in the public wishing to testify on this manner? If not, close testimony on that and move on.

#### **ITEM 5. Discussion on Division of Forestry and Wildlife and Natural Area Reserve reports to the 13<sup>th</sup> legislature, 2019 regular session.**

**Comm. Buchanan:** That was my request. You also had handouts for everybody?

**Shaya Honarvar:** Yes. I sent out the clean version...

**Comm. Buchanan:** I wanted the dirty version. The dirty version is in my brain and I think the dirty version actually got emailed, either on purpose or by accident I forget, with other paraphernalia, and that was only I think yesterday. So, this is on here. I see Emma over here, are you here to answer questions or did you have testimony?

**Emma Yuen:** Questions, because I'm waiting for you to guide what you wanted here.

**Comm. Buchanan:** So all I wanted to do with this was make commissioners aware that a document like this exists. I think it would have been helpful for this commission to have had last year's document for this, because this was handed in in December of 2018, and it's for this legislative season. What is important is that it outlines the goals, policies, objectives, and so on of the Department under which you serve. So I thought about the questions that keep coming up by commission members, and I think this report actually goes to the point of answering those questions that haven't been answered straight up, and when you guys have more time, you can take your time and actually look at it, but if you're wondering why certain things are the way they are within the Department for their policies, this is why. This is the policies and objectives by the Division of Forestry and Wildlife, and how they're going to measure the effectiveness of what they said they were going to do. For example, if you turn to the page where it says 9FW – for Forestry and Wildlife – on the back, under Policy C, the measures of effectiveness, about the fourth one down? They're going to know if they were effective in what they said they were going to do over here by the number of game animals harvested annually. The next one is number of hunting permits, stamps, and tags issued, and then acres of public hunting areas. So I took that as the Department saying "that's how we're going to know if DLNR is successful for hunters." I thought that was really kind of small in reference to hunting in the state, but if you guys look on the first page, 1FW at the end under the goals, that's the big goals. Protect and manage 30% of watershed forests by 2030. And then I was kind of wondering exactly the definition of watershed forests, and then if you look down it talks about native ecosystems and sanctuaries, and Natural Area Reserves, and cultural resources, and then to promote a healthy diverse forest. So that's the big goals, and then it goes on and on and on, and then instead of me trying to tell you because I'm not staff, if anybody from

Forestry wants to take a shot at the purpose of this report to the legislature and internally, if this is your guiding document? And if you look on page 5FW, under Policy C: to provide managed opportunities and facilities for the public to engage in multiple-use outdoor recreation activities, such as hiking, biking, blah blah blah, hunting, and camping, while also providing access for resources management. Maintain and enhance a public hunting program to provide a source of good and outdoor recreation for the public and as a means to control introduced game animals in a watershed area. And then inventory where feasible and culturally appropriate. And then above Policy C, under B.21, this is the kind of information I like as a community advocate. The Department is telling me that they're going to establish and maintain release sites for nene on Kauai, Maui, Molokai, Hawaii, and all of that stuff is ongoing. But I heard Ryan always talk about enhancing for sustainable hunting, and out of the report, the only enhancing that I saw was for birds, but in a very small project. I didn't see any enhancing of any type of game.

**Emma Yuen:** One thing to add: for that report, it's a little arbitrary what we decide to send up to the legislature, so it's not necessarily a good overview of all that we're doing, and I would suggest that if you want to learn about what we're actually doing for the game program, you would go to our report of the Pittman-Robertson 5 year plan which is really detailed and shows quite a wide range of what we're doing for game program. So that is more just a 30,000 foot summary, and some of those things are kind of picked out of all the millions of things that we do, so I wouldn't use that to make the assumption that because it's not in there we're not doing it. That's all.

**Comm. Buchanan:** Okay, and that's fine, but I think the point that I was getting at... and there's also the Natural Area Reserve, is that here too?

**Shaya Honarvar:** And all of these reports are on the website.

**Comm. Buchanan:** I actually got this out of the legislative reports, because I was kind of wondering what DOFAW and DLNR was actually telling lawmakers as to what under the law were the program goals and objectives. And so if I was a lawmaker, because you're going to come to me for budget, this is what you're providing me as a guiding document. So within that guiding document, what I liked about the NAR report is the actual spreadsheets that had real numbers in them about the total protected areas protected from hooved animals. And under accomplishments, of course I was looking at the entries for protected from hooved animals in acres, and then the total. And the total came out to 175,926, what was that number for?

**Emma Yuen:** That number is the areas that are fenced that we as our native ecosystem program have contributed to. So it wouldn't include national parks, because we're not paying for those fenced areas. So it's just trying to show what we've done with the money.

**Comm. Buchanan:** You guys don't have a column for animals controlled?

**Emma Yuen:** We do not.

**Comm. Buchanan:** Why is that?

**Emma Yuen:** We have probably a hundred different metrics that we could include in these reports, because we're doing so many different things. We're replacing signs, we're maintaining roads, we're doing all these, so we just try to pick ones which show the status of conservation in general, and I would argue that including the amount of animals controlled as an indicator of conservation success isn't very

usable, because, from a conservation standpoint, what's more important is the area, the acres, that are protected. So that's the metric that we decided would be most important for the legislature to decide if we're making progress on conservation. So just to give you an example, if we had a five acre fenced area that had ten pigs in it that we removed, versus we got the last few pigs out of a 10,000 acre area, it seems more important to know that that 10,000 acre area is protected rather than the number of just "hey, we removed seven pigs." Because we could have gotten all of those pigs from a tiny little area, so from that standpoint, that's why the metric was used.

**Comm. Buchanan:** Okay, but you guys do have those numbers, yeah? And you guys have the numbers of total animals dispatched by aerial shooting?

**Emma Yuen:** Yes.

**Comm. Buchanan:** Can you guys share those numbers with the game commission?

**Emma Yuen:** Yes, I can.

**Comm. Buchanan:** Okay, maybe I can request them for the next meeting then, for FY18. And then, I don't know if anybody else would like before FY18... I don't know when the aerial shooting started. At the meeting of the senate Ways and Means, senate Water and Land with Kai Kahele and Senator Wakai, a statement was made by the Department on the record about the use of aerial shooting and being compliant with the legal contracts and obligations at Mauna Kea, and my recollection was that Senator Kahele asked the Department if the use of aerial shooting was necessary to meet the law in the lawsuit with Mauna Kea, and the Department's response was "yes, we cannot do it without aerial shooting."

**Emma Yuen:** The court order actually specifically says we have to use aerial shooting. So it's not like us saying "oh, the only way we can make this work is to aerial shoot, because otherwise it's an 89,000 acre area." It's the court order specifically.

**Comm. Buchanan:** Does the court order also specify the tools by which DOFAW has to carry out its obligations to the lawsuit.

**Jim Cogswell:** Yes.

**Comm. Buchanan:** It does? Can we have a copy of it? I would like to see it, I'm really interested in that, that the court would be as specific to the types of tools a department would have to use in order to meet its obligations legally.

**Comm. Kohatsu:** So the relocation was illegal then? Because that's not using aerial shooting then, right?

**Jim Cogswell:** No. Not all of it has to be done by aerial shooting, it's all the tools that are available.

**Comm. Kohatsu:** Oh, I thought her question was remarking that the court ordered aerial shooting though.

**Emma Yuen:** [It does mention aerial shooting as] what we have to do it, but it doesn't mean that we can't do other things.



**Comm. Kohatsu:** Okay. That's what you were asking though, right?

**Comm. Buchanan:** No, that's not what I'm asking. I'm asking, on the record the senator asked the Department – because the Department's testimony was that they absolutely had to aerial shoot or else they would not be compliant or it would be illegal if there were no aerial shooting. I found that kind of strange because I've never seen a court be so specific in ordering a state department to do something in a specific way, because that's not the court's responsibility. The court's responsibility is just to assure that all of the agreements are met, not to specify the means by which you achieve that goal or objective. I thought that when the Department made that statement on the record that it was maybe not true, so I wanted to actually see the court order where they told the Department that they have to aerial shoot. And the reason why it's important is because after the Department made that statement on the record, Senator Kai Kahele turned right around and struck the whole half of HB1325 out of the bill, and that was dependent on the Department's testimony on the record, because he straight up said "are you telling me that you're going to be illegal if you don't aerial shoot?" and the Department said "yes." Boom! Took the whole aerial shooting moratorium out of HB1325, created house draft number two, and changed the word of "must comply" to "collaborate." So the bill is still alive, but that's how come I wanted to see the actual court order and contract between what was ordered to the state of Hawaii, because I just don't think it's true. I think you have many tools in the toolbox and you can do all of everything, but to make a statement on the record to a Senator's questions that says "hey, is this true?" and you say "yeah." Well I'm saying that's among other tools, but saying that had to be done? I question that, so I'm going to move on, but I just wanted to bring up on the page on the NAR report that has number 2: Status of public hunting opportunities...

**Comm. Cremer:** I have a question. You said you guys do have numbers of ungulate takes as far as eradication, yes?

**Emma Yuen:** Like our staff control.

**Comm. Buchanan:** Do you have maps of the areas of what animals were taken in what areas?

**Emma Yuen:** Yeah, and that's mostly in that report, because we concentrate our animal removal in fenced areas, and the fences are all on that map that you have.

**Comm. Cremer:** No, but what I mean is when you go outside, like you did on Kauai, and you guys did again.

**Emma Yuen:** Yes.

**Comm. Cremer:** Okay, because you guys went back after the first time.

**Comm. Buchanan:** Would you be interested in that report?

**Comm. Cremer:** I would like to know where and what amount of animals and what type of animals were taken, which is most likely goats.

**Emma Yuen:** Right.

**Comm. Buchanan:** Does it matter to you the means by which the Department is dispatching animals?

**Comm. Cremer:** Of course. Because the information that I've gathered and the information I got is in areas where people would be able to take the animals and harvest them.

**Comm. Buchanan:** So not only the number of dispatches, but also the means by which the animal was dispatched. And also the areas in which they were dispatched.

**Comm. Cremer:** Yes.

**Emma Yuen:** That's what I was trying to call you about, to give you that update.

**Comm. Cremer:** I want that to be on public record, that's why I didn't respond. I'm going to be straight up to you. Everything I discuss, anything with anybody, as part of a commission thing, I want it on public record. So like, I talk to my representatives, whatever I talk about with my island representatives, I'm going to put in my report today, so whatever is discussed between me as a commissioner and the Department is always going to be on record so everybody knows where I stand and where the Department stands.

**Emma Yuen:** It might be good for you to include in the record that I had tried to reach out to you and give you that information.

**Comm. Cremer:** I emailed her and told her why I wanted it to be on the agenda. It's in the email.

**Comm. Buchanan:** So number 2 in the NARS Report, the status of public hunting opportunities, that's the one with the picture of the *Laminella venusta*. So under the status of public hunting opportunities, I read it and I noticed that my notes said what you guys had just talked about prior to this, that "under Natural Area Reserve System management policy strategy to reduce populations of non-native animals to lowest possible level are to be employed. Public hunting continues to be a control option in many areas within NARS, with most lands now open to hunting every day with no bag limit. Staff animal control (including fencing, trapping ...snaring, and aerial shooting) are used as needed in specified areas where public hunting is not able to reduce hooved animal impacts to low levels. Staff continues to work with hunting organizations and others to find ways that the animal control goals of the program can provide opportunities for the hunting community." So I took that as that management strategy does not support hunting in perpetuity and is not sustainable. So that's a big statement, it's basically saying that "within these areas, we're not going to perpetuate hunting, we're not going to be sustainable." Am I wrong Emma?

**Emma Yuen:** No, you're not wrong. I think the context needs to be made that Natural Area Reserves are these very select few areas that have been deemed the most intact native ecosystems of the entire state land inventory, that house the most vulnerable and rare of our forest and coastal ecosystems. So it is not the goal to have high or large levels of ungulates there because those are detrimental to the native ecosystem in those areas, but I want to just give you the balance of saying that NARS are probably 1/10<sup>th</sup> of all of the lands of DOFAW and they are in the most remote areas out there, most of them we have to fly to. So I don't think that anyone... I'll say it in another way, I think that it's not a high priority for the hunting community to seek sustainable hunting in these areas because first of all they are largely marginal hunting lands to begin with, and secondly the hunting community would have the blood on their hands to know that they are causing the degradation of the most important and rare remaining native ecosystems. So sustainability... I mean, we've had these areas open for decades for hunting, and

there are still pigs and still goats, so I foresee that in many cases there still will be quite a bit of hunting that's going on in these areas, particularly the ones that remain unfenced. So while it's not a goal to have those animals there, you could argue that there have been decades-long and foreseeable hunting opportunities in these areas.

**Comm. Buchanan:** So if you guys turn to the map, and I'm sorry it's not in color, the map actually outlines three things- the Natural Area Partnerships, the Natural Area Reserves, and the Watershed Partnerships. Would you say, Emma, that management strategy would also include the partnerships? Because it says in Natural Area Reserve and also the Watershed partnerships the same strategies?

**Emma Yuen:** No. Because the watershed partnerships include forest reserves, a lot of other land designations. They might include private lands that might have different...

**Comm. Buchanan:** What about the NAPs?

**Emma Yuen:** The NAPs yes, because those are basically the NARS but on private lands.

**Comm. Buchanan:** Okay. So if you guys look at the map, when we say NAP that's the Natural Area Partnerships, and you can see on your island where it exists and where it doesn't exist, like on the Big Island, Ryan, I see there's one in Ka'u besides the Manuka and the other, Kohala. And then for Kauai, ooh you guys are limited really good. But then Maui Nui, we've got plenty. So that strategy all apply there, and I think that's where I'm going with this whole thing, is for the commissioners to realize that the overlapping management strategies between the NARS, the NAP, and DOFAW lands are complex and that's how come they get into so much trouble. Because all I hear is some Hilo people getting upset with Puu Makaala and ex situ types of T&E species outplanting and how they feel that areas are degraded, and so the whole way that the Department functions is what I'm trying to accomplish so we can be more helpful to each other, you know what I mean?

**Emma Yuen:** I would actually reframe this and remind you folks that we did show you the management guidelines as another way of showing what the priorities for those areas are, because there might be an area in a forest reserve that actually is far more intact than an area in a NAR, but it just happens that when the TMK was officially established that was how the whole land area was just put into a NAR or whatever, or maybe since the NAR was created there was a big fire so there's now no longer that ecosystem. The designations that we have are really kind of inflexible, and so I think the management guidelines are a better way of really understanding what DOFAW's goals are for the area.

**Comm. Buchanan:** Okay. So the rest of the report, if you just read it then you're going to know why your answer is not answered, Ryan. It never gets really answered.

**Comm. Kohatsu:** I think, just to put on the record, the statutory obligation of the Natural Area Reserve System is clear to me, so I'm not opposing those policies or what the specific land designations of those areas are and I probably never will. But if it does ever - your question about the partnerships on the map, and do those policies spread further than just those Natural Area Reserves? Perhaps that has some merit, but I'm not in any way opposed to the statutory obligations of the NARS, but other people with cultural sensitivities may disagree, but the statute is clear to me.

**Emma Yuen:** Again, I wouldn't say that the watershed partnerships as a whole all have that goal, that's absolutely not the case.

**Comm. Buchanan:** I don't think I know of any watershed partnership once fenced the goal is not zero. Am I wrong?

**Emma Yuen:** What I mean is... the watershed partnership for Hawaii Island is probably at least a million acres between Three Mountain Alliance and all the other ones, it's enormous. And all those land areas, whether it be Department of Public Safety, or DOFAW, or whatever, don't all have these guiding documents saying that the goal is zero. So the partners themselves and the statutes that guide the management are not saying that that's the goal. The watershed partnerships that are working among these lands are following the management guidelines that we have established that identify the highest priority native ecosystem or watershed areas in order to protect, so the management that they work on could be and is often fencing those areas and within those fenced areas I would say that we always have the goal of zero animals, because that is the purpose of the fence.

**Comm. Buchanan:** That's what I mean. I mean once you fence an area, the goal is zero. Why would you spend money on fencing if the goal is not zero?

**Emma Yuen:** So a better thing to look at is where are our fences that we've put up and where are we planning to put our fences, and that's something I had presented in 2017, where I showed the big map of where our fenced area exist and where our fenced areas are planned in order to meet that 2030 goal.

**Comm. Buchanan:** Maybe you've got to do another presentation, because we were like really stupid in 2017. We need a refresher.

**Emma Yuen:** What I want to do is, I think it's hard to statewide on a map. Each island needs to see their individual areas and really get down and look at them, so I've been trying to set up meetings with folks and show them where our fenced areas exist. I feel like you and Josiah might already know on Molokai and Oahu where those already exist because you kind of know the conservation lay of the land, and I've offered...

**Comm. Cremer:** Unless you've changed anything in the last two years, I know where every fence is. Because my friends make the fence and my friends' kids make the fence, although they don't like to do it but they have to live and survive.

**Emma Yuen:** So I'd be happy to give that information individually with each member so they can see their island and if there are any questions, that's fine.

**Comm. Buchanan:** Are you open to community meetings for that, or would you rather have small group meetings first?

**Emma Yuen:** Well, the problem that we have is that first of all, some of our private land owners don't want their fence data shown publicly, that's just the nature of the agreement that we have. So we are most able to show what is fenced on DOFAW lands and what is planned to be fenced. That's good in a way because that's where our public hunting areas are, so if you're trying to gauge the impact of these fences to hunting, that's where you'd focus anyway. That's one issue. And then I think that smaller meetings have the ability to treat people more like people and have a productive discussion, and I worry about setting up larger meetings where people are more into grandstanding and that kind of thing, so that's just the kind of thing I would weigh as far as how to best communicate. But I think there's

definitely room for improvement that we have, and we just had a meeting about how can we communicate what we're doing for the hunting program as well as conservation; should it be videos, should it be newsletters, all of these different kinds of outreach products, and if you have suggestions about the most productive way so people can get the information that they want, then I'd love to hear that, because you guys are our target audience basically.

**Comm. Buchanan:** So when you say you're going to protect and manage 30% of watershed and forest by 2030, you have a map for that? And you have an island by island map of what that looks like?

**Emma Yuen:** Yes.

**Comm. Cremer:** And 30% is fencing.

**Comm. Buchanan:** Of course. That means 30% is zero, eradication.

**Emma Yuen:** And I just wanted to let you know, it's 30% of our remaining watershed native forest. And that number itself - you know, there's less than half of our forests even remaining, so if you're looking at all of our forest, it's basically just 15% of the forest that used to actually exist in Hawaii. So we're not trying to fence these large areas in super degraded areas that might be priority for the hunting program.

**Comm. Buchanan:** Like Puu Waawaa and Puu Anahulu?

**Emma Yuen:** Well those have these rare species in them, and we do want to protect them, so those would be classified as high priority conservation areas, because they have the last of their remaining plants or birds or moths.

**Comm. Buchanan:** So, being familiar with the T&E species, Endangered Species Act, like Maxx just testified on the record, it's not only doing an enclosure for this one T&E plant species over there, but it's also encumbering the lands outside of it that it needs to spread and survive and thrive. And I think that's where the push and shove comes from, because people see degraded lands that the Department is trying to say "I need to restore." And then how much is enough?

**Emma Yuen:** Correct me if I'm wrong about that, but if you look at the whole land scape of the Na Puu conservation plan, this Puu Waawaa plan that's put out there and what is proposed to be fenced, it's actually a really small proportion of it. And that's what people have state claimed of where the remaining endangered species are and that's what we want to protect, but I think the argument, the whole controversy, my understanding is not where the fences are, because that's not going to have a huge impact on hunting, it's more whether we can do some of these habitat enhancement - can we move animals, can we put out mineral licks, all these things that would potentially require an HCP. So yeah the fencing part if I'm not mistaken is maybe not that huge of a question.

**Comm. Buchanan:** No, it is, because the fencing represents zero. To the hunter, fencing means eradication, period. Wherever the fence is going to go, we're not going to have animals. Am I wrong?

**Comm. Cremer:** No.

**Comm. Kohatsu:** Specific to Na Puu, where she's talking about the community there, yeah, there's people always going to be mad about fences, but they grasp the idea that there's T&E, we need the

plan, it's only going to be a portion of the area, it's fine. Those are going up, right, they're there, the majority of them are already built and there are some currently in the works. The problem is that what remains – we've fenced these because they're a priority – what remains, by implication, is maybe not as priority. So there's obstruction to even keep the animals in those areas as well, so that's the problem for those communities there. I can't get a target model, I can't get an HCP done, because certain people still believe that degraded areas need to be protected. That's the hurdle that is there, so I'm not against the current stuff, it's just what's left that we want to work with and we can't because there are all these obstacles.

**Comm. Cremer:** So you guys are telling me that with the HCP, you guys are going to fence the area that needs to be protected. With the HCP, if some kind of take goes on outside of the fenced area, you guys are going to get into trouble?

**Jim Cogswell:** With an HCP, we will not.

**Comm. Cremer:** So if the area that you guys want to protect is protected...

**Comm. Buchanan:** You know what we're referring to when we say "take," yeah?

**Comm. Cremer:** Yeah. Endangered species. You say you're fencing the endangered species already, then what are the chances of take outside the endangered area?

Emma Yuen: The problem is that when we fence these areas, we're not fencing all of the endangered species. There are still ones out there that are just kind of inconveniently scattered all over the place, and it would be great if they were all in one place and we could just write it off and build a fence to protect them, but that's not really practical. And no one really wants to do that, because a little fence around every single plant is...

**Comm. Cremer:** So with the 150 years of grazing there, there wasn't any take? And no takes now?

**David Smith:** There's tons of take. Our game program is in violation of federal and state law.

**Comm. Kohatsu:** That's the reason they're trying to get the HCP and incidental take license, because after they build their mitigated units, what remains outside would be considered gone, essentially, even though it may not be eaten and is still there, it may still be eaten because there's no fence around it. SO that's the reason for them going forward, but from what I can see with the committee that reviews these things, the obstruction was the goal of what is okay for mitigation or what is okay for recovery for a take, that goalpost is continually moved. So if you read the minutes from that meeting, there was stuff like "what about species that aren't endangered yet? Do I have to mitigate for species that aren't listed yet?" No, that's not the law, but that's what they're requesting, so the goalposts kept moving in which we're not going to get to an ultimate plan at that point. It's not going to get out of that committee at that point.

**Comm. Cremer:** So my question to you, Dave, is with that protected area being fenced, why is the HCP such a problem for you?

**David Smith:** There are a lot of technical and policy issues with the HCP.

**Comm. Cremer:** And what would that be?

**David Smith:** It's complicated. I'll talk to you about it on the side. There are some things that you may not want an HCP for. I'm just going to leave it at that.

**Comm. Kohatsu:** I can just say it, because he's an employee and I'm not. Doing that may set a precedent that anywhere you have an endangered species, you'll be required to do this work. So I think – and the Department was supposed to seek AG counsel on this at some point, we talked about this before – I think the Department had a prerogative to manage endangered plants in their governmental prerogative. But if you do this and set a precedent that wherever these things exist, and they're all over Hawaii, you're going to have to this, which is lengthy bureaucratic process that's not going to move forward, which is where we are right now. So posing the alternatives that were there is a way forward, but we're just advisors, I'm not staff so I don't know. Just know that going down that road can also create a precedent. So that's why, in the interest of getting something done, I would like to see a Board-approved plan moving forward, that was done in the past. Maybe if it needs an accompanying EA, that's fine, whatever, but it's not going to have an accompanying HCP. I mean, maybe it can, but I just see the people that are in charge of recommending an approval, they're not amenable, they're not going to agree even with what the staff who are on the ground propose, because that's what's on the table. That's why we're supposed to advise on a game management plan. Back in the day, 20 or 18 years ago when they thought this was the way forward, the obstacle was endangered species, so I think the feds gave a grant to the state to go and get this HCP plan done, because we have this hurdle. Now we're like decades into it and we're finding we still can't go anywhere with it because of certain individuals and the way it works. So I don't know, maybe the Board is a more reasonable path forward.

**David Smith:** We have a really complex set of resources that we have to manage, we don't just consider game, or just consider endangered species. We consider tourists, the watershed, the full balance of things, what it could be... It has been degraded by grazing animals, but it could be forest again. There are all these things that we need to consider, it's very very complex and we're trying to find the balance between everything.

**Comm. Buchanan:** I think that's why I was hoping that this commission would be helpful to the Department in making that prioritization for areas throughout the state. I thought that would be the most functional part of this commission, because as we heard earlier we could be extremely supportive in reaching your guys goals and objectives. But in the areas where we get push and shove back, I don't think we've seen the type of meeting of minds or collaboration to the point where we're happy about it. In fact, we're super not happy about it right now, I'll just say that on the record. I'm not happy about it because I feel like I'm wasting my time. My time is very valuable. So is every other commissioner member who has to fly from Big Island and Kauai and wherever to sit on this commission only because we're so passionate about what we feel is important. Dave, you've been spot on since day one, I have to tell you, when you said work with your island representatives on priorities from the hunter's perspective and then have those views transferred to up above. But I think we don't get that transference sometimes of up above, or we feel we're at a stalemate. Again, I don't know how you commissioners feel, but I did testify to the Senate and House water and land representatives that I was not happy with the progress, or non-progress that was made by this Board over ten meetings. I'm still not happy. I was so not happy that I couldn't even write the legislative report, because in my professional capacity I refuse to put negative things in my report. So I had some off the record one-on-one discussions with other members and took a kind of temperature poll, and found out that other members also are not happy with the non-progress by this commission. I think this is a good segue to decide, I don't know how

this board wants to move forward. I think it's been valuable that the Administrator in the beginning of the first meetings authorized his staff to work closely with us, to me that was a big plus and I appreciate that Dave, I really do. So that has been valuable, it has been valuable to Josiah in Waianae, maybe not to the extent that the hunting community down there was happy. I hope you were working with your staff on the leases for DHHL...

**Comm. Cremer:** It's actually out of their hands. It's over here.

**Comm. Buchanan:** Okay, that's another story. So even at that little bit of opportunity to collaborate one-on-one with the Department, I truly appreciate that, however we thought we would be farther ahead. The aerial shooting is a biggie, we voted on that at the beginning. We did want a process and a protocol to actually really be engaged in where you use the tool instead of just having a freebie to use the tool. I was disappointed that it came out of HB1325, I could have worded it better but I would hope that the Department would reconsider actually doing a process other than what you guys are doing now to aerial shoot in areas, instead of just what you have, "I have to post a sign two weeks in advance, I have to make sure my guys are all trained," that kind of stuff. More of a community... from a cultural perspective, we don't like it. Because we have this reciprocal relationship with our animals, it's disrespectful, and I've said that before. So I don't know commissioners how you guys feel, but I thought that reading the legislative report, and I understand that we also have to go into the Pittman-Robertson report and also the state forestry report and those type of big overarching documents. How do you guys feel? Josiah, you never said one word all this time, you guys in Waianae, you all good?

**Comm. Jury:** So I think I'll wait, this is all you.

**Klayton Kubo:** Can I say something? I came from Kauai. I'd like to say something, might take long, might take short.

**Comm. Buchanan:** So first of all, you're testifying to us the game commission.

**Klayton Kubo:** Klayton Kubo, Waimea, Kauai. I think administrative rules need to be checked in into the handgun scenarios. I understand that it is 4 ½ for a revolver, 5 for a semi-auto, but the casing of the bullet, something is wrong. And as for the NARS areas, you guys are going too deep now, you've got to cool it, because you guys are pushing hunters out of the area, there are going to be hunters on top of hunters, and I've seen it happen already. Guys that were hunting Pehea trail area, because that's the last fence that went up, right? I don't know, I'm asking you.

**Emma Yuen:** Yeah, we fenced in the Hono Napali Natural Area Reserve along the [indiscernible].

**Klayton Kubo:** So now I hear you guys are trying to fence Honopuu, what's going on with that action? So the hunters over there from Honopuu are going to be on top of the back of somebody else now that was hunting in say Nuaolo or Milolii.

**Comm. Buchanan:** Klayton, you're testifying to the board. You can ask questions, they can hear, so after we're going to ask questions specifically of staff. Tell us what's going on on Kauai like you're doing now.

**Klayton Kubo:** Then here, take these. I think I've said enough now. I'd like to hear her.

**Comm. Buchanan:** Okay, what are the specific questions for her?



**Klayton Kubo:** How many more fences are they going to be putting in? Let's put it this way, when I go hiking or when I go hunting, I look in at all these fences, and it's like the things, they're just going off with weeds, I don't know what they're trying to protect. I can show you pictures of that. So why continue to fence and nobody's even taking care of them? And I understand the watershed, as for the watershed, what is that protect the watershed? But in actuality as far as I understand now you can use chemicals and poisons in the watershed. So I don't see any good in that action either, because the water guys say it takes approximately 25 years for the water to go into the aquifer and then it can be pumped out for drinking water. So I hear all that watersheds and this and that, but using poisons inside the watershed? What sensible human being has that action going on? But please, address these bullet casings, because it seems like if I walk into a hunting area with my sidearm exposed and the bullets are wrong because of that case right there, inch and a quarter. No .40 caliber is an inch and a quarter case, because I asked a lot of people, even measure the darn thing in front of me. What's going on?

**David Smith:** Can I ask you a question? Just informally, I know this isn't really on the agenda but it's something I'm really interested. I hunted Lanai last year with a couple of friends and one of the guys is from Montana, he's hunted all over the world, and he likes to follow all the rules, so he went through our entire rules and just wanted to make sure he had everything dialed in. And I asked him "hey, do you see anything here we can improve on?" And he said "your rules are pretty good," he said the marking for the area on Lanai were the best he'd seen anywhere - this is a guy who's hunted all over the world - but one of the things that both he and another guy from the mainland... their issue was with the firearm section in our rules and all the specificity and technicality regarding the calibers we can use and the foot pounds per square inch, and like you say how long the casing is. So my question, and maybe something we can talk about later offline, is how can we change our rules to take out some of that technical stuff, and that's something you can work with your commissioner on. How can we change the rules to simplify some of the caliber stuff? Like to me, that's why I'd like to open up some of the areas, I'm kind of an anti-regulation guy. Same with the guns too, do we really have to tell the hunters every single caliber and how long their casings have to be and how many foot pounds your bullet to have? Can we just let them hunt with whatever they like? I don't think hunters are going to go out and use something that they don't think is effective.

**Klayton Kubo:** I don't know, it's in that paper over there. It's in your administrative rules.

**David Smith:** That's what I'm saying, should we change them?

**Klayton Kubo:** I'm telling you right now, that should be corrected.

**Comm. Masuda:** He's asking, how would you recommend it be corrected?

**Klayton Kubo:** Okay, from what I understand, and I don't want a law enforcement person, I'd go directly to him, I don't need to tell you guys, right?

**David Smith:** I just want to get some feedback. You came from Kauai, I'd like to get some feedback.

**Klayton Kubo:** Okay, like I explained. Say I'm walking into the forest with my .40 caliber and Robert comes up to me. "How's it going Klayton, what's going on?" "How's it going Robert?" "Oh, I see you have a piece. Can I inspect it?" So I'm going to drop it, and he pops out a bullet, pulls out his ruler. "Oh,

brother, this can't pass, it's in the rules right here." So what now, I'm going to be charged, I'm going to be arrested?

**David Smith:** So what would be your recommendation?

**Klayton Kubo:** My recommendation would be to check it out and adjust it! Drop it down to an inch, not inch and a quarter. Administrative rules, right Bob?

**Comm. Masuda:** Well, let him finish, because maybe we don't even need to have rules on inches or whatever.

**David Smith:** What if we took a lot of those caliber restrictions out of the rule. Do you think we even need them?

**Klayton Kubo:** I don't know. You guys [indiscernible]. 9mm no can, not enough juice, so I say take that thing out and put only .40 and up.

**David Smith:** But take away the size of the casings and the foot pounds.

**Klayton Kubo:** Yeah, because other than that I'm probably going to get arrested. My friends will get arrested.

**Comm. Masuda:** 9mm is not enough for a pig?

**Klayton Kubo:** Not enough juice.

**David Smith:** It depends how far away you are. I can kill a pig with one shot with a .22, but you have to be close.

**Klayton Kubo:** Well in the rules it says you cannot even hunt with a .22.

**David Smith:** I know, that's what I'm saying.

**Comm. Cremer:** With dogs.

**Klayton Kubo:** Maybe with dogs [indiscernible], okay, that is illegal too.

**David Smith:** So that's my question, do we still need some restrictions on the calibers? And it's not going to be just up to you, we've got to ask the hunters, all kinds of guys, but I'm just curious - do we need restrictions on the calibers in the rules, in your opinion?

**Klayton Kubo:** In my opinion, that needs to be changed because it's too black and white.

**Comm. Masuda:** This may have been written at a time when equipment was different and all of that. Thanks for bringing it up.

**Klayton Kubo:** And next meeting I'm going to have something else to bring up too.

**Comm. Cremer:** I can answer your question Dave. I think the caliber should be regulated just because of the wounding of animals. And I'm for wanton waste, so for a caliber size - I don't want to see an animal get shot, wounded, suffer, die, and rot.

**David Smith:** So you think there are hunters out there that if they didn't have a rule to tell them what caliber, they would go [indiscernible]?

**Comm. Cremer:** Oh yes, guarantee. Definitely.

**Comm. Buchanan:** Okay, where were we? We went way off track.

**Comm. Jury:** Chair? I think you asked me, so I just wanted to address a little bit about the fence and then a little bit about the aerial stuff. First off, for the island of Oahu, I guess since I speak for this island, the biggest part of the fences that's been a problem among what we discussed was the migration of a lot of pigs that are moving into it, like how they said the fenced areas are most times on top of state land, or sometimes they could be on public hunting areas, so now pigs have to migrate or come around the fences in order to enter the hunting area. I think last meeting that we had, we had one of the professors at Manoa come down and show how on Maui, the outskirts of the fences had more pigs, and I bring that up because I think in public hunting areas the pigs are moving outside to private land, and I think it will be harder... Dave alluded to that earlier with using the check in data to see the take, but I think when you factor in the fence and factor in the rules too as well, it doesn't state that every check in station you have to check in, you can use it if it's there, so we can't even use that as a concrete tool to manage the data because not everybody is mandated to go over there and check in. Also, the biggest concern with the aerial right now, as you said this is the 30,000 foot view and we use the Pittman-Robertson more as a directive. Unfortunately, with the aerial control or shooting that has been done in the past in the Waianae, one of the Pittman-Robertson's deliverables was elevation population counts in Makua Keaau and Waianae Kai, and the data only went until 2015. 2016 until 2018, there was no Pittman-Robertson funding used for population counts. Now this was prior to the aerial control, and other funding sources were used, but the PR was not. So from looking at it that closely, that's why I have to wonder now about that, because they're not assessing it prior to or during.

**Emma Yuen:** Why does it matter the funding source? Because as you mentioned, the counts are happening, just with another funding source.

**Comm. Jury:** I would ask that they're doing them the same way as Pittman-Robertson, with three elevation population counts, and I think it matters because if it's going to be said at some point that they're tracking the population, we want the same status – when you do data or monitoring, you want to do it every year the same way. So if they do them the same way or at least show that they get done the same way and what the deliverable is, but right up until a year before the initial program was implemented it changed. So I just wanted to see the consistency through it.

**David Smith:** Can I address that? I was in charge when we did those counts, I brought in [indiscernible] who used to work for me, he set up that methodology and did those counts. When I left the branch, apparently they haven't continued with that methodology, so I would suggest that you work with Jason and ask that they utilize the same methodology to continue the surveys so you have a solid timeline data set.

**Comm. Jury:** So I would ask that going forward any aerial stuff is being done using the methodology that was previously...

**David Smith:** Yeah, talk to Jason and say "hey, you had this methodology and did some really good counts, can we keep this methodology going?" They might be fighting against that, I don't want to speak to what their concerns might be and I don't want to dictate right here and now that I'm telling Jason to do that, but I would say the proper thing to do at this point would be talk to Jason and say "you have these data sets from 2013, 2014, 2015 using a certain methodology, can we go back to doing it the same way?" See what he says.

**Comm. Buchanan:** That kind of makes sense, otherwise us as the public will think you're being really arbitrary and inconsistent, and that's stuff we ding you on. Even I know even if you enter data wrong, if you keep on entering data wrong consistently you can still analyze that.

**David Smith:** Personnel changes, things happen. So that's why it's important for you all to work with your managers on the island so that we can get things consistent. I totally get it - I love long term data sets. I was doing waterbirds, seabirds, gamebirds, game mammals, I had surveys for all of those things. And I start to look at a data set as being good at ten years and then plus, that's when you can start seeing patterns. And that's what I'm looking at over time, patterns. I don't think a lot of these things hold up very well statistically, but you can get a good sense, when you've got a long term data set, of what's going on with just patterns over time.

**Dietra Myers Tremblay:** Josiah, you brought that up at the previous meeting, right?

**Comm. Jury:** We brought it up and Jason did give me the data, I had asked him about particularly that question, because he had mentioned that it did stop in 2015 and then Forestry and one of the Partnerships took over and as we said the process changed. So I'll talk to him.

**David Smith:** Yeah, I'd be glad to work with you on that too, if you want to meet with me and we can all sit down and talk about it, because I have sort of an institutional knowledge about how that all went down before.

**Comm. Jury:** Sure.

**Comm. Buchanan:** Okay, great. Sorry for spending so much time on Item 5. Other commissioners, all I want you to do when you get a chance is take a look at it, and then see how it pertains to you on your island.

**David Smith:** Wait, is Josiah done? I interrupted him. Did I answer your question, Josiah?

**Comm. Jury:** No, I think that was...

**Comm. Buchanan:** Your concern about the monitoring, yeah, for aerial shooting.

**Comm. Jury:** Yeah, I think we address the consistency in a way. I look at the PR a lot, because they said that was the 30,000 feet, so when I have a question or want to ask, the communication will be along that line.

**Comm. Buchanan:** Shaya, you can send me a hard copy of the latest Pittman-Robertson report, please? Anyone else in the public have discussion on Item 5? And then my only take away from that is I think it was a good suggestion for us to review again per island and take Emma's comment seriously about meeting with her and her program on every island to see how it affects us, and then work with your island reps from DOFAW and then go from there. And then maybe we can actually get stuff done, but I don't want to let the Department off on aerial shooting, because it's still one of this commission's priorities to get to the point where there's a public inclusion in using that as a tool in certain areas. I mean, certain areas you're not going to get any pushback. You're not getting any pushback on Molokai on the north side, and the south shore shooting, but in areas like where poor Mr. Manaku comes and asks the same question every meeting and it's in your legislative report and then it gets reported to the legislature, I think that's where you guys really have to look, at those types of areas to see if other management types can meet those same goals and objectives. Or at least talk to people.

**David Smith:** I would say in our defense that based on public input that we did modify our aerial shooting for Waianae, did we not?

**Comm. Jury:** They did modify - I'll say currently there is a stand down because of what Chair Case wrote, and they're right now developing a management plan, the community and myself are involved, and when the draft is completed they're going to bring it to the commission and the community. So everyone took a step back, a pause because of that letter that you all went through with Chair Case, and that's where we're at now. Working with both forestry and wildlife manager in developing this plan for Waianae and Makaha.

**Comm. Buchanan:** So short of a lawsuit to the Department, we want you guys seriously to take into consideration working specifically on aerial shooting, because we've already had discussions – at least I've had –with the Office of Hawaiian Affairs and others to protect our constitutionally protected rights, and if certain tools are being used that are adverse or we don't have any due process or input on, that would be an issue.

**Emma Yuen:** I guess one thing we should maybe present on in the future is the long history of community involvement in our aerial shooting plans, because as you know on Molokai it wasn't like they decided overnight that they were going to start shooting. They [indiscernible] measures, there was a working group, it was basically a many years long integration with the hunting community to start those plans and operations, and I think the same situation is the case for our other aerial shooting operations. So maybe we could start from there to show what we've already done, and see whether there are specific ways that you would improve on those outreach strategies.

**Comm. Buchanan:** I don't think it's so much outreach as due diligence. Like if you're using Pittman-Robertson funds, and you're doing federal funds, then you better be doing a Section 106 consultation with Native Hawaiians. You better be doing chapter 343, you better be doing 6E. So I want a protocol, a set of clear and direct actions that the Department has to do in order to use a tool such as aerial shooting. So not just community outreach "I'm going to have a hearing today," I want the Department to have like you do for T&E species, or habitat conservation, or and EA or EIS, a set of clear protocol on how the public will have its due process to engage this.

**David Smith:** Yeah, we do that with the PR.

**Comm. Buchanan:** Well, because you have to, because it's Pittman-Robertson funds. I've never been consulted on a 106 on aerial shooting myself, and I'm a stakeholder listed everywhere.

**David Smith:** It's a fully vetted federal process.

**Emma Yuen:** Just to let you know, at least for the Molokai aerial shooting that I'm aware of, we're funding that entirely through the state and it's on state lands and private partners, so I think that Chapter 106 is not something that we need to follow because it's not federal.

**Comm. Buchanan:** You're not using federal funds.

**David Smith:** We don't use PR funds for that. But point taken, Lori, we would like to keep an open communication...

**Comm. Buchanan:** Well otherwise you guys are going to end up with a lawsuit. Which is not okay because you have nine million lawsuits.

**David Smith:** Well that's easy for you to say, but bottom line is that we are glad to continue to consult with you on that.

**Comm. Buchanan:** Yeah. I just want a process to engage. Not that you're forced to.

**Comm. Cremer:** My question is when you guys use NARS money or federal money to go into state parks and state forest to eradicate aerially, how does that coexist? Is that legal?

**Emma Yuen:** NARS is part of the state Division of Forestry and Wildlife. So I think what might be helpful is if we do explain the different compliance steps that we do for these projects so you know that what we are doing is legal, and if there's something you want to propose we can hear that.

**Comm. Masuda:** Let's put it on the agenda for the next meeting if we can, Chair. That would be a good idea.

**David Smith:** The other thing I wanted to say, you like the idea of working directly with the branches, our personnel directly. The other piece that I think would improve this process, and this goes for a lot of issues where there's some disagreement, but I think we probably agree on like 95% of the stuff. Like I think we have a pretty darn good hunting program, you can hunt 365 days a year, you can take 700 some animals a year, you can hunt for gamebirds and there's lots of really positive things about our program. So I think we agree on probably about 95% of this stuff, and we fight like cats and dogs over the last 5%. And I've seen people in other processes where they just agree that "you know what, we're not going to just talk about that 5% all the time. Let's talk about that 95% where we can make improvements, where things are going well, what's good and how we can do it better and those kind of things, and not just dwell on the most difficult and contentious problems all the time. If that's what you want to do, that's okay, but I just wanted to throw it out there that maybe that's not our most productive use of time. It's things like this, the casings, you know "make the casings an inch instead of an inch and a quarter" it's things like that, what should we do about crossbows? Let's talk about crossbows and the issues with hunter, let's talk about this issue of do we really need so many restrictions or could we open up some more areas and provide access for hunters. So things like that that I think would really make a big difference in our ability to provide more service and opportunity for

hunters. We're always going to have these issues and that's fine, but I'd really like to get some of those easy, basic wins where we can actually get something done. Look at the rules, how should the rules be revised...

**Comm. Cremer:** Game management plan.

**David Smith:** Yeah, game management plan. That might be the 5%, but I don't know.

**Klayton Kubo:** Hey, why use a helicopter to go shoot animals and let the thing rot and die over there? Why do that? Because they did that on Kauai, maybe now six months ago?

**Emma Yuen:** No they didn't.

**Klayton Kubo:** I don't know, I saw a picture.

**David Smith:** I don't know about that, but we do aerial shooting to protect other resources.

**Klayton Kubo:** In the NARS area. Or wherever that helicopter was flying, landing, picking up guys. Eight months ago? Well there you go then.

**Emma Yuen:** It wasn't aerial shooting.

**Klayton Kubo:** Well, what was it then? The guys landed and then go hunt them? Where are the animals?

**Emma Yuen:** Yes. They were left on the ground.

**Comm. Buchanan:** So Dave, I like what you're saying, I agree, but I think DLNR has to throw down some good faith effort in meeting us halfway on the 5%. And I think a good start and a big part of 5% is the aerial shooting, and if the Department is going to keep the attitude of "I don't have to consult" then we're not going to move on the 95%.

**David Smith:** We do consult. I told you we will continue to consult, so can we move on?

**Comm. Buchanan:** Yes.

**Comm. Masuda:** I know Ryan and my friend Josiah have had lots of talks, right? You guys were consulted.

**Comm. Buchanan:** If not, we're just going to take it to the Legislature again. Lawsuit. We're going to have to go through options if we cannot get some serious...

**Comm. Masuda:** Now, let's not get into that. Let's work together.

**Comm. Buchanan:** No, we're not, I just... priorities of this commission are our priorities.

**David Smith:** You can talk about this as long as you like.

**Comm. Masuda:** I just want to say that I have a real thing about being threatened.

**Comm. Buchanan:** Okay, well I didn't threaten anybody...

**David Smith:** You threatened to sue us.

**Comm. Buchanan:** No I just said that I would like to work collaboratively and I don't want to be frustrated to the point where I have no other options. And what I was saying earlier was that HB1325 was working towards being collaborative and the aerial shooting came up. This is meeting eleven, and for eleven meetings it comes up, and so it's a priority. I polled members, this is in the top three priorities. So I would not be effective as the chair of this commission if I did not move our priorities along. And I was nice in asking the Department and what I got was a half and half answer. "If I have federal funding, yeah, I'm forced to collaborate with you. If I don't need federal funding and I'm doing private stuff, I don't need to. I'm just need to meet the internal obligations of the Department." What I'm asking is can you expand that to include a cultural perspective, and also some community advocate perspective, at least a process, that's all I'm asking for.

**David Smith:** We can do that. And I just would like to note since we continue to talk about it that the big aerial shooting issue this year was the issue in Waianae, and we did work with the Waianae community and we have come to a resolution on that and we're continuing to work with them going forward.

**Comm. Buchanan:** And I appreciate that, I really do, and we can tell because nobody's calling everybody's phones every week, so it's working.

**Comm. Masuda:** Thanks for bringing up that it's working.

**Comm. Cremer:** I want to take one minute. Three goals, and we all talk about those three goals. Number one goal is to work collaboratively with the Department so we can be successful for our community. Second, aerial shooting, stop as much as we can.

**Emma Yuen:** It's not happening on Kauai though. I'm just wondering, is that a goal for Kauai, or...?

**Comm. Cremer:** You guys may say you're not doing it, but there's no way you guys can shoot a hundred something goats from the ground the way you guys shoot them. We don't need to go there.

**Comm. Buchanan:** And then what is the third?

**Comm. Cremer:** My third goal is the Unit A lease.

**Comm. Masuda:** And I just got an email just now that our AGs have just forwarded the thing from DHHL. So they're going to extend it to the end of the year while we keep working on a permanent solution, and I'm still looking for, I'm trying to find the land to trade for that area and it's in the active issue.

**Comm. Cremer:** I'll talk about that when I go into my report.

**Comm. Buchanan:** Oh, I thought you were already, it sounded like Item 6.

**ITEM 6. A short report by each commissioner summarizing their meetings with DOFAW staff on the island that they represent.**



**Comm. Cremer:** I can go right into that. We reopened our Nounou Mountain archery hunt for another trial period, I think this time it's for one year. We got approximately 20-30 hunters that are interested and signed up for their permits. We opened up the Nualolo Kai lottery hunt, waiting for good weather, something I'm happy we did. Soon as we have good weather, the guys who are first on the list are getting called, and how they're doing it is first of the list doesn't answer, then second on the list, and the next time they do it they'll go back to the first on the list. So everybody is going to get a chance. I like that instead of shooting them from the air or shooting them and leaving them there. Goat hunting just opened on 3/27 for Unit A, most of the goat hunting is done there, which is a real important thing, the lease. Bob, from what I gather and what I did research on DHHL, they're not going to give back that lease for Puu Opae already, so you guys better be working on getting Unit A and above on a concrete lease. Unless you can do a land trade for Puu Opae that will make them happy, they're not trading it, they're not giving back the lease for longer than a year. That place is the most important, where we've got the most deer, it's a section of Unit A. According to what I heard, and there's even a chance that even Trail 2, but it's something we've got to work on really hard honestly.

**Comm. Masuda:** Well, I haven't heard that part yet.

**Comm. Cremer:** According to what I heard, the pipes are all there for the hydro already, waiting across Kekaha mill, getting ready. They're doing the EIS according to what I heard, and they're going to start the hydro.

**David Smith:** Yeah, it's pretty much a done deal.

**Comm. Cremer:** You heard?

**David Smith:** Well, they're moving forward on it, right? And what we're trying to do is get Unit A, right? And that is a high priority for us, that's our highest priority. Bob's been working on it...

**Comm. Cremer:** Well the thing is, they need our water, which is the people's water that comes out of the state's forest to operate that hydro, then we better be playing hardball with them as a Department.

**Comm. Masuda:** Is the hydro project in the same area we're trying to get?

**David Smith:** It comes out of Unit A, right, the hydro land?

**Comm. Cremer:** Right there at Puu Opae, the bottom section right next to the state agriculture lands.

**David Smith:** Right, but that's DHHL, right? We do what we can on DHHL, but I'm telling you, it's not our land.

**Comm. Cremer:** Well if we cannot get Puu Opae, then we better start trying to working on getting above Puu Opae where they're not going to have the hydro plant itself, with negotiations that they can have the water from us.

**David Smith:** We are trying to get as much as we can out of Unit A. And again, it's not our land, so we try, but it's hard with DHHL. So we're continuing to work on it, it's our highest priority on Kauai.

**Comm. Cremer:** Yeah, the water is coming from your land though to feed their land.

**David Smith:** Yeah. It's complicated. If it weren't complicated we wouldn't be here talking about it again and again. If it were easy we'd already have it done.

**Comm. Buchanan:** I took pictures of the solar farms coming over today. Are you pau?

**Comm. Timko:** I have nothing, sorry.

**Comm. Kohatsu:** No report. We talked about everything I talked about with staff today already. My focus is Puu Waawaa.

**Comm. Jury:** Some of the things we're addressing, we're working with the Department.

**Comm. Buchanan:** Molokai, no, we don't have any relief. We used to be okay but we're not okay anymore. I think I sent an email, yes Shaya? Asking about the list of outfitters for Molokai, but I never got a response. Did you send me a list of outfitters? No, never.

**Shaya Honarvar:** I don't have it.

**Jason Omick:** We have a list of outfitters.

**Comm. Buchanan:** Okay, you guys used to have it on the website.

**Jason Omick:** Yeah, every year I call everyone and make sure they're okay with their numbers being published and stuff like that.

**Shaya Honarvar:** Well we don't have a recent one that was actually active or not.

**Jason Omick:** There is a book up front that has each permit that's issued to an outfitter, so you can look at the dates and see if there are current ones. There are usually only three or four through the whole state, we don't get a lot of them.

**Comm. Buchanan:** Okay, it's a problem. I have a problem on Molokai with people saying they are outfitters actually in the field, people telling people who are hunting "you just shot my deer, I'm an outfitter." We have a lot, huge influx of outside hunting going on from the mainland, people who are paying people on the ground \$3,500 to take them hunting illegally.

**Jason Omick:** Have you ever done a Google search on that? Don't do it, because you'll see it's scary, there are a lot of people trying to pull that.

**Comm. Buchanan:** Well that's why, now that we have an additional DOCARE officer on island – we used to have only one, now we have two, maybe three, I'm not sure – but we had an incident about two weeks ago where someone shot a deer and they got confronted by a supposed outfitter, who said "you shot my deer, and that deer is worth \$3,500, I want you to pay me \$3,500 for the deer." So they were actually antagonizing this person. And they said "you know what, since your wife and my wife are cousins, I'll drop it down to \$600." So the guy paid him \$600. But in the meantime two visitors were

grumbling because they said “we’re paying \$3,500 and you just shot our deer.” So that kind of stuff is going on.

**Jason Omick:** Was this on private property?

**Comm. Buchanan:** It was on private property. No, it’s on DHH property. But we have an influx of those types of incidents, everybody is claiming to be an outfitter. And everybody is making illegal money right now. So I contacted the Department and I said I wanted a Molokai list of outfitters, I wanted a statewide list of outfitters. So when someone tells me they’re an outfitter then I’m either going to shoot them down or call the police.

**Jason Omick:** Do you mind if I go upstairs and see if we have this thing, just to check?

**Comm. Buchanan:** Sure! So it’s a problem, with illegal stuff going on on Molokai.

**David Smith:** What rule is that, the outfitting?

**Comm. Buchanan:** You can get paid, right? Don’t they pay taxes? I don’t know what rule it is, it’s your rule.

**Comm. Cremer:** I thought there was a rule that nobody could outfit in the state of Hawaii?

**Comm. Buchanan:** No. I looked it up online on the Department’s website about two years ago, and there was a list of outfitters in the state of Hawaii.

**David Smith:** I’ve got the book of rules right here and I don’t see it, I’m just asking you – do you know if it’s covered by a rule?

**Comm. Buchanan:** You guys have a permit for it.

**David Smith:** I know we have that, but what rule is it? Does anybody know? We’re complaining about it but we don’t even know what rule it is.

**Comm. Buchanan:** That’s why I contacted you, you’re supposed to know.

**David Smith:** Of what, 121? 124? Okay, I didn’t mean to distract you, but in order to do something we need to know what the law is,

**Comm. Masuda:** There are so many illegal commercial kind of people nowadays it’s sickening. We don’t have enough guys to go hunt them down.

**Comm. Buchanan:** Well on Molokai we want protected marine areas, but we’re finding that a handful of people are just thwarting that process, and we’re not happy with that because we want our marine monuments protected. As recent as yesterday, we stopped a person in full camo walking on private property, asked him where he was going and he said “I read online that Molokai is full of wildlife and I can come here and hunt, so my wife dropped me off and I’m heading to get me a deer.” So we told him “you know you’re on private property, and do you have a hunting license?” And he said “well, I have a Nebraska hunting license,” so every week. I don’t know where all these people are coming from, I don’t

know if there is social media stuff going on, but they're all ending up on my island and everybody thinks they can just come to Molokai and jump in the bushes and hunt, and then there's a handful of local boys who think they're outfitters and they're actually doing shows on National Geographic. They said they're outfitters, so I wanted to know from the Department that they paid for the permit, because there's a fee that you pay the Department and they give you a permit.

**Jason Omick:** There's a fee. \$25, and every island, for your permit to do it for the year. So if you want to go out there and be a guide you have your hunting license and this permit...

**Comm. Buchanan:** And it's easy to do, right?

**Jason Omick:** Yeah. You just have to apply. Every island has a copy of the people on their island who have the authority to do this, so we keep all of ours for Oahu.

**Comm. Buchanan:** So I have to call Shane on Maui Nui?

**Jason Omick:** It may be something that we should get together in one big list so we can address you guys that way.

**Comm. Buchanan:** Now that it's a problem, I think I need to know.

**Jason Omick:** Yeah, contact Shane or John and they should be able to tell you what you need to know.

**Comm. Buchanan:** Well, my husband is also the head of security for Molokai Ranch, so that's his thing, to stop people from hunting on the ranch. When they say they're outfitters, we can't find out whether they are or not, so...

**David Smith:** Wait a minute, they're hunting on the ranch? And he's head of security on the ranch?

**Comm. Buchanan:** Illegally. They're already trespassing. But to go even further and say "I'm an outfitter with a hunting license," yeah. But also on private property.

**Comm. Masuda:** But they can be arrested for trespassing on private property.

**Comm. Buchanan:** Yes, we are doing that.

**David Smith:** You're saying your husband is the head of security on Molokai Ranch, he's busting people for hunting illegally, why do you even need anything else?

**Comm. Buchanan:** I just want to know that certain individuals who are charging money, if they actually can.

**David Smith:** No. You can only hunt on private property with the landowner's permission. Just because you're an outfitter doesn't mean you can go anywhere you want and hunt there.

**Comm. Buchanan:** Well, you can charge money for hunting on private property if you're an outfitter.

**David Smith:** With the landowner's permission.

**Comm. Masuda:** If you're an outfitter, permit or not, you cannot take someone on private property to hunt.

**Comm. Buchanan:** I know that, but when somebody tells me they're an outfitter I just want to know. That's like people taking hikes in Halawa Valley, and they're charging \$175 per person, traversing over multiple properties that they don't have permission for, but they're telling everybody else that they can't go hike up the falls unless they pay \$175. So they don't have a CDUP permit to do that, but then I have to call Sam and ask him "hey, did you issue a Conservation District Use Permit? Concessionaire's permit?"

**Jim Cogswell:** There should also be a piece of paper.

**Comm. Masuda:** We need to get more DOCARE staff there.

**Comm. Buchanan:** Thank you! We just went from one to two.

**David Smith:** You guys know about the DLNR tip app? It's an awesome app, they've got the greatest app in the world because it's simple. DLNR tip, with that little badge, you hit it. Nobody answers the phone, it says "add a tip." So you see something you think is illegal, add a tip. It says "Subject, Location, Description, Attach Photo" you can take a picture and submit, it goes to DOCARE.

**Comm. Buchanan:** So we were down at Makua and ATVs were going across the sand. But this was years ago when you guys had another app, it was called the DLNR hotline, and got "Hi, this is William Aila, how can I help you?" on Saturday, at 4:00 in the afternoon. That was the greatest, and in one hour DOCARE people showed up. So kudos to that tip, I liked that one.

**Comm. Masuda:** We actually have, if we get the budget bill the way we want, we're actually going to be able to have a person there answering the phone. We're trying.

**Comm. Buchanan:** That's my trouble now with hunting. Everybody's all hot to talk about hunting on Molokai right now, so I'm going to have a meeting with Shane.

#### **ITEM 7. Set future meeting schedule and potential Agenda items.**

**Comm. Buchanan:** Anybody else have anything? Do we have to set a future schedule? We can do that on email.

#### **ITEM 8. Announcements.**

**Comm. Buchanan:** Okay, any announcements? Seeing none, we're going to adjourn.

#### **ITEM 9. Adjournment.**