

APPROVED

ENDANGERED SPECIES RECOVERY COMMITTEE

June 9, 2016 MEETING MINUTES

Meeting Location:

Hawai`i State Capitol. 415 S. Beretania Street; Room #423; Honolulu, HI 96813

**MEMBERS:** Dr. Scott Fretz (DLNR), Dr. Jim Jacobi (USGS), Dr. Gordon Tribble (USGS), Michelle Bogardus (USFWS), Dr. Samuel M. 'Ohukani'ōhi'a Gon III (At-Large), Dr. John Harrison (At-Large)

**ABSENT:** Dr. Eric VanderWerf (At-Large), Dr. Kimberly Burnett (UH)

**STAFF:** DOFAW: Kate Cullison, Glenn Metzler, John Vetter, Yuki Reiss  
USFWS: Donna Ball, Rachel Rounds, Jodi Charrier, Diane Sether

**COUNSEL:** None.

**OTHERS:** Mili Browning (Kamehameha Schools), Namaka Whitehead (Kamehameha Schools); Tiffany Agostini (TetraTech), Tom Snetsinger (TetraTech); Luke Gestes (Honua'ula), Mike Dega (Honua'ula), Charlie Jencks (Honua'ula); Jaap Eijzenga (SWCA); Janet Six, Colin McCormick, Michael Kumukauohali, Lucienne de Naie, Lisa Bail (Goodsill Anderson Quinn & Stifel), Perry White (Planning Solutions), Gerald Cysewski (Cyanotech)

[ITEM 1. Call to Order](#)

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### ITEM 1. Call to Order

Scott Fretz called the meeting to order.

### ITEM 2. Approval of minutes December 17 2015 and Feb 25 2015.

Sam Gon moved to approve December minutes, Jim Jacobi moved to approve February minutes. Both are approved.

### ITEM 3. Kaua'i Seabird HCP Update

Yuki Reiss provides updates on the project with a powerpoint presentation.

#### Lethal vs. Non-Lethal Take

Jacobi: What is considered non-lethal take and how is it evaluated?

Bogardus: Non-lethal take is still take, but there is an ongoing conversation in how to address that. Reiss says there is mitigation to address non-lethal take included in the draft.

#### Downings from Lighting

Fretz: Is there documentation of entities turning lights off once educated on issue, and then subsequent data or photographs? Because it seems the island has gotten darker in the last ten years. Also, is there is a county light ordinance?

Reiss: There is some observation supporting that but nothing definitive. How much is population density and how much is from darkness of light is still being explored. On average about 150 fledglings come down every year. There is no county ordinance, but it is needed.

Jacobi: Is there data on flybys and radar versus the data SOS is collecting.

Reiss: Kauai Seabird Recovery Program has a Radar Report and talks about SOS.

Decision: Staff should send out any seabird reports to the committee.

#### Five Acre Mitigation Site

Fretz: Asks about the time lag before the mitigation starts to pay off and to hit the net-benefit point. What is the take number target that you expect to achieve in 30 years.

Reiss: About half of takes are lethal. The model is a work in progress, Model-runs are showing that a mitigation benefit of between 900-1000 birds is above and beyond if those same birds were breeding outside of the fence. With those we fit into the expected requested take.

Fretz: Time lag will effect that net benefit model .

Bogardus: Will there be a source population to recruit to the site.

Reiss: The site is very close to Hono o Na Pali where there is ongoing predator control funded through KIUC.

Fretz Is the fence is expandable.

Reiss: This site has limited potential for expansion.

Gon: Was GIS used to select the site and what were the criteria.

Reiss: Team mostly used local knowledge.

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Jacobi: With the influence of the social attraction, how far outside of the fence do you think a bird might attempt to nest as an attraction to the area as a whole. Second, are you accounting for the risk to those birds that may be attracted to the areas but nest outside the fence.

Reiss Suggest doing some predator control outside of the fence.

Fretz: Can you translocate the eggs from a burrow outside the fence into a burrow inside.

Reiss responds that they are not proposing to do that to prevent creating human tracks and trails that could attract predators.

Fretz: If there happens to be a significant number of burrows lying outside the fence, why not expand the fence over.

Reiss responds that that can become a part of our conversation and see if predator control could be part of the mitigation project.

Jacobi: Have to measure seabird productivity in some way, and could radar surveys periodically to look at flyways.

Reiss: Right now there is not a lot of radar data out there, but is something we're working on.

Bogardus: Suggests putting data loggers onto adult birds to look at their flight paths going in and out of the colony.

White: Data loggers are on the list for KIUC, but it is hard to implement.

### Education and Outreach Program

Bogardus: How to measure the success of the education and outreach program.

Reiss: Thinking of taking a similar approach to the monk seal public opinion surveys.

### Timeline

Jacobi: Where does the ESRC come in the timeline.

Reiss: Would like to bring the draft HCP to the ESRC in coordination with the public review process. She hopes to submit the HCP and NEPA with the PIPs attached and that all of the applicants will have to put their PIP through the process themselves. She hopes to start fence construction early next year.

Tribble: Asks about coordination with KIUC-HCP.

Reiss: Working together to protect source colonies nearby increases the chances of success.

White: There is an overlap in terms of the processing time and implementation time. It's going to take longer to get to the end with KIUC. The first public notice will go out sooner for KIUC. The agency gave all of the information they had compiled in the course of developing the original HCP

## **ITEM 4. Kamehameha Schools Safe Harbor Agreement Update**

[Committee Member John Harrison arrives at this time.]

Glenn Metzler gives Powerpoint presentation on the KS SHA along with Namaka Whitehead and Donna Ball.

### Covered Plants Baseline

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Fretz: By 2008 there had been a lot of management ongoing including outplanting, so a lot of plants are outplanted and are going to be part of the baseline. Change since 2008 is accounting for low survival in some of them. The final Safe Harbor baseline really represents what's there now.

Jacobi: Is there reproduction of the species since they were there in 2008.

Whitehead: Most of the outplants are still juvenile and very few of the outplants have flowered or seeded. They intend to do a survey of all the plants in the first few years for a better idea of what the plant status is.

### Fencing

Whitehead: About 30,000-32,000 acres are fenced for ungulate control.

### Covered Activities in General

Gon: He would have expanded on the miscellaneous activities because items like outreach and education and those kinds of opportunities are an important part of endangered species management.

### Koa Silviculture

Tribble: What is the importance of an understory of native vegetation.

Whitehead: KS intention is not to have a monocrop of koa in the pasture areas but to have some kind of understory as well.

Fretz: What is the nature of incidental take that would be connected to these activities and questions whether they would result in take. Fire would be an exception.

Whitehead: Agrees that the likelihood of take is low and that's why it's a safe harbor.

Jacobi: Is there a distinction between koa silviculture and restoration.

Whitehead and Ball: They can be used together but different methodologies are used in different areas. The harvest is intended for the lower pasture areas where the deepest soil will be the most growth intensive. It's a mixed stand management approach.

Whitehead: Draft SHA document describes thinning the koa stands will have benefits to forest composition as a whole.

Jacobi: Emphasizes that it is really important that when the SHA goes out for review that those are clarified.

### Area Requiring Additional Conservation Commitments

Metzler: Explained the rationale for why certain procedures were required for some Covered Activities and not others and that it was primarily due to the level of disturbance of each activity.

Ball: The concept is trying to avoid impact in the areas for the three plant species that require the additional conservation commitments.

### Net Benefits

Fretz: In addition to expanding the ranges, we could expect an increase in population size of the covered species, at least some of them.

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Jacobi: Bird populations increase when you have additional plant species in the understory that have been extirpated but are now back and active again. Overall the plant community is important versus managing for individual species.

### Monitoring

Jacobi: Stated that monitoring should be well defined in the document in terms of how that may affect other activities.

### Term Length and Termination of the SHA

Fretz: Asked about the idea of being able to terminate the SHA after five years. What would be the reasoning to terminate and how would there still be a net recovery benefit.

Whitehead: The reason they might want to terminate is if this agreement turns out to be too expensive or onerous for Kamehameha Schools. In particular the monitoring with extensive surveys for these species across 32,000 acres. She did not foresee it happening, but said the current draft is a good balance for what the agencies require and what KS is willing to commit to. She explained they expect that there will be benefits in the first five years, but they have been holding off on allowing partners to outplant a lot of endangered species and that they expect that there will be a lot of outplanting that will occur with the ‘alalā being released.

Fretz: Are there any potential issues that were considered in this situation, where some habitat enhancement is done and it attracts endangered species and then something stops like predator control. Also, the committee has not considered a 50 year term with a 5 year termination, so it’s a new consideration. The idea of being careful not to create sinks associated with safe harbor agreements is a recurring thing that the committee considers a lot and there could be a concern with the five year termination?

Ball: There is no predator control built into the plan for anything except nene right now because ‘alalā is not on the property so that a negotiation has to happen at some point between the ‘alalā working group and KS.

Jacobi: Need to consider other efforts that are going on at other key conservation areas that are still extremely intact and important for the long-term conservation and Three Mountain Alliance is an important partner in all these areas.

Fretz: Suggested an approach beneficial to all parties would be to build in contingencies and adaptive management to deal with issues that are encountered to allow adjustment rather than totally terminate.

### **ITEM 5. Request for recommendation of approval of renewal/extension of Cyanotech HCP**

Background: The Cyanotech permit is expiring, and the applicant has been working with the agencies on a renewal. The applicant is currently ahead on mitigation; they have credit for more birds than taken. Cullison and Rounds brief the committee on the history of the project and the difference mitigation over the years.

### Status of Mitigation

Jacobi: Asks for clarification on what are the fledglings that are being produced on the mitigation site and if only the result of this mitigation, or if there is some background productivity. Also, is KS also doing predator control for this project.

Rounds: They don't have baseline data from that site on stilts for pre-mitigation productivity but that the way that the HCP was written in 2002-2006 was that they get credit for fledglings produced. She did not understand why all of the predator control has now been funded by Cyanotech.

Cullison: Fledglings have been relatively steady with a few high years.

Bogardus: Clarified that the HCP is to move forward for now with the details of the mitigation plan to mitigate the remaining fledglings to come. The applicant would have a grace period to allow time to identify a suitable project, providing that they stay in compliance with regard to take and monitoring.

Jacobi: Is there any reason to think that this current site isn't a good option.

Whitehead: They have been working with Cyanotech on an agreement that they would only count 50% of the birds produced, because it looked like it was 100%.

Rounds: The no surprises issue needs to be considered. The funding issue is between those two parties.

Whitehead: In their agreement with Cyanotech they agreed that KS would be able to claim 50% of birds for credit if there were to be birds of credit considered by the wildlife agencies. Their understanding was not really birds in credit, just the fact that they reimbursed KS was sufficient in their obligations.

Fretz: If you produce nine birds but they pay for half of it, whether that isn't really only 4.5 birds. What is KS' concern, and do they need the credit for something or is there some other way they are affected.

Whitehead: They just to get full reimbursement for the work that they have done there under the terms. The predator control alone costs them about \$95,000 per year and there is also goat management which are a big problem in the wetland area. Whitehead responds that they are going to work it out.

Fretz asks where are the produced stilts going and if there more nests seen at the site through time.

Rounds: The number of nests has gone from 2-3 since 2002 to maybe 4-5 now except for 2013 when there were 17 nests.

Fretz: It is standard to calculate a differential between no predator control and predator control.

Fretz: What does Kamehameha Schools intend to do with the site after the mitigation.

Whitehead: They will continue management of the area.

Fretz: The mitigation is ahead at this time and so presumably there is time to come up with a proposal. What does the applicant propose for the timing of the new permit.

Cysewski: They should be able to reach an agreement within a year.

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Whitehead: KS is continuing to fund the predator control.

Fretz: Summarizes stating that if the contract with KS is not renewed one year from now then the applicant will seek another mitigation opportunity and then have one more year to implement it, bring the details back to the ESRC for review.

Jacobi: Suggested they don't wait a year to see if it's not going to work out and to start looking for a contingency plan soon.

### HCP Status

Rounds: For the federal process it's going to be a renewal, not an amendment and is almost like doing a whole new HCP except some provisions can carry over. She further stated that for the federal side it will be a low effect HCP which they may never have done in Hawaii before. The process would require going out for public comment.

Frets: We have a motion to recommend conceptual approval on the condition that the contract for the predator control at the KS site be in place and fully executed within one year and if it is not, an alternative contract for predator control that will still result in nine fledglings will come to the committee for the committee's review and comment.

Rounds: Does it have to be for predator control.

Fretz: It can be left open.

There were no comments from the public on this item.

**MOTION: Gon made a motion to extend Cyanotech HCP be approved; to allow the applicant time to identify a mitigation project. APPROVED: Fretz asked for other members approval and all approved with one member absent.**

### **ITEM 6. Briefing on HCP Development for Haleakalā Communications Tower Replacement**

Cullison updates the committee on the development of replacing the communications tower on Haleakala. She explains that DAGs is removing the current 60 foot tower and replacing it with a 70 foot tower 10 feet lower on the mountain, and adding a new concrete pad. The proposed take is for collision as evaluated in the USFWS Biological Opinion. DOFAW is working with Jay Penniman from the Maui Seabird Recovery Project on a mitigation project. Cullison expects to do a site visit.

Jacobi: There is a lot of management going on in this area from other projects and the National Park efforts, and asks if there is room for another project.

Fretz: From the information you cannot tell how close it is to the wildlife sanctuary boundary and asks if that means that birds will strike the tower and fall into the sanctuary.

Bogardus: For the Service the project has no requirement for net benefit or mitigation, but applicant has included a contribution to seabird mitigation as part of their project description and

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it would be good for the agencies to reach out to the other entities that operate up on Haleakala because it is an opportunity for a broader conversation on that area.

Jacobi: Is any potential take happening on Haleakala.

Bogardus: Yes, but the only area currently being searched are within the DKIST borders and there is no information on other areas on the mountain.

Fretz: Haleakala lines should be monitored using acoustic techniques and suggests that it could potentially be done using the funds from this project.

Bogardus: Under federal policy they would not encourage it because it is not mitigating for the take.

There were no public comments on the item.

### **ITEM 7. Request for ESRC comments on Draft HCP for Lālāmilo Wind Energy Project, South Kohala, Hawai`i Island**

Presentation by Jaap Eijzenga Biological Consultant with SWCA, representing Lalamilo Wind. Eijzenga summarizes the draft HCP with a PowerPoint presentation.

#### Mitigation

Gon: Asks to go through the staff comments since there are only four. Staff wanted clarification on what would be monitoring and what would be research, and details on research funds and project.

Fretz: Is the applicant amenable to revising research to use a proposal from one received through the bat RFP.

Eijzenga: Is the request from the committee that they include wording in the HCP that allows that funding from this HCP may be part of the research proposal process.

Jacobi: Yes so that research may be determined by the proposals that come into the RFP.

Charrier: The HCP must include acoustic monitoring at the site as part of the restoration success criteria, and then a portion of the funds can go to research if directed by the agencies. There is a research component associated with the restoration that is outside the restoration acoustic monitoring.

Fretz: What we're hoping to get out of the bat RFP is a proposal for 20 years of monitoring for bat occupancy or some other index at one or more sites that has had this type of habitat restoration that should increase bat occupancy; HAVO seems like a perfect site, but we need to know if this is the best site.

Charrier: Clarifies that restoration monitoring is separate money - it's part of the restoration money, not the research money.

Eijzenga: They can include in the HCP that there will be funds going toward the RFP process, but if it drags out too long then projects may be out of compliance.

Fretz says the compliance will be depositing the money.

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Eijzenga: How would that be worded, if there's a specific fund to deposit to.

Fretz: Work with the staff on that.

### Monitoring

Jacobi: Concerned with the assumption of low take and doesn't feel comfortable at all with a modified monitoring program, so searching is critical on an annual basis; at some point it could be modified as warranted; also need to consider the no-surprises clause. Also, the monitoring area is a windy area and circular ones don't make any sense, and instead they should have a downwind teardrop shape.

Fretz: Agrees pointing out that there is no wind farm that stayed within its proposed take limits, so it's too much in the eyes of the committee to not monitor in a given year.

Eijzenga: Expense for this small is the concern. Clarifies a question that intensive is weekly and interim is every other week for searches.

Jacobi: Isn't the search interval determined by CARE results. Stresses that frequency of monitoring is the key and needs to be clear in intensive versus non-intensive and that there is always a need for a feedback loop to adjust based on CARE.

### Petrel Take

Fretz: The modelling shows a really low take of Hawaiian Petrel, less than one over 20 years, and asks if it is usual to put that in the HCP.

Bogardus: As long as there's a possibility of a take, it should be requested and the other option is to not cover it, but then if a bird comes down the permit holder is automatically out of compliance and will have to rush to seek an amendment in order to continue operation. Or they could request the low take level and be in compliance in that event so in a case like this it's up to

There were no public comments on the item.

## **ITEM 8. Request for ESRC comments on Draft HCP for Pakini Nui Wind Project, South Point, Hawai'i Island**

Presentation by Jaap Eijzenga Biological Consultant with SWCA, representing Pakini Nui Wind. Eijzenga summarizes the draft HCP with a PowerPoint presentation.

Covered activities include operation of wind turbines, ongoing systems of met towers and transmission lines. Four covered species in the HCP, Hawaiian hoary bat, Hawaiian petrel, band-rumped storm-petrel, and Nēnē.

### Restoration Mitigation

Eijzenga: NPS has fenced out ungulates in one area but has no money for restoration. They've removed the cattle but not gone further. It is a shovel ready project that is not being implemented currently. They discussed the budget with NPS to get an idea what they wanted. They will provide funds to NPS who will then do the management and restoration

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Fretz: How much money goes to research and how much goes to habitat management and monitoring. There are three tiers and each has a mix of both. Instead each tier could be devoted solely to research or management. Tier one could be all research Tier 2 could be habitat management, and he thought that would make more sense since the research is supposed to tell us how to do habitat management, which could be done in later tiers.

Eijzenga: Tier 1 is what they anticipate to happen over the term of the permit life, and the additional tiers are if take has been underestimated; he continues that this would put FWS in a difficult situation because they won't be able to just permit research.

Sether: FWS guidelines require a land component, so mixing might be best.

Bogardus: If they scale down the bat budget can NPS complete the project. Eijzenga responds that what is being proposed doesn't exist yet and there is no funding at the moment, so anything they fund is a benefit.

Fretz: Summarizes that the comment from the committee and agencies here today is that they are okay with the way it's written in the HCP but could show flexibility in the language. So the conclusion is that if the consensus today is that the ratio is reasonable, then leave it with some flexible language.

Fretz: Is the applicant is going to develop a management plan more specifically in the future. Requests that they describe better in the HCP what that habitat management is going to entail and why it can be expected to benefit bats. He summarizes that what the applicant is asking the committee to do is to approve something based on a future plan that they not seen yet.

Fretz: Requests the applicant to work with staff to address the issue of sex determination testing in bats and on more documentation of previous takes, the issue of indirect take and 1-month criteria for the dependence period for bats. He also asks that the applicant clarify language since there's a difference between the 2 projects whether the monitoring / research will be part of the project.

Fretz: Is the \$487,500 for restoration meant to support acoustic monitoring on site, or could it be used to support a project that comes out of the RFP.

Eijzenga: The way it's intended is that restoration includes monitoring and that is separate from the funding for the research component. He offers that they will work with staff to decide of the bat monitoring would be part of the restoration to be done at the restoration site.

### Seabird Mitigation

Jacobi: Needs more clarity for the seabird portion and how this relates to what NPS is already doing.

Eijzenga: For seabirds the mitigation money will go to predator removal/control and fence maintenance and their funds will contribute.

Jacobi: If this project hadn't come along would NPS have done it anyway with whatever funds they could cobble together.

Eijzenga: Restoration goes beyond the NPS mission of preservation. This is a high priority project for NPS, which makes it the best project to choose for mitigation and also stated that this

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is the only possible project they can contribute to for petrels because this is where the birds are.  
Fretz: Can more be done to connect the dollars to the birds.

### Nēnē Mitigation

Fretz: For Nēnē asked if they get more detail so the committee can understand what's being done and how it would benefit.

Eijzenga: DOFAW will have to provide that and they could work with Joey Mello to provide that information.

There were public comments on the item.

### **ITEM 9. Request for ESRC comments on Draft HCP for Honua'ula Subdivision, Kīhei-Mākena, Maui Island.**

Presentation by Jaap Eijzenga Biological Consultant with SWCA, representing Honua'ula.

Eijzenga summarizes the draft HCP with a PowerPoint presentation. Luke Gestes (management) and Mike Dega (cultural resources) also present to provide support.

The Covered Species in this HCP: Blackburn's sphinx moth, Nēnē, 'āwikiwiki, yellow-faced bees, Hawaiian hoary bat.

Distribution of two email comments that came in to the committee from Janet Six and Colin McCormick.

### Fencing

Unidentified Speaker [Gestes?]: The Native Plant Preservation Area (NPPA) will be fully fenced with an 8 ft deer fence, with gates for management access and that there is already also an 8 ft deer fence at the mauka side and McKenna boundaries but there is not a perimeter fence around the development. He also states the fences will connect to Maui meadows and once connection is established, there will have to be some ungulate removal in the larger areas.

Fretz: Clarifies that the entire property will be fenced and in addition the NPPA will have an 8ft deer fence. That will result in deer in the subdivision that won't be able to get out easily if they are letting them in.

Jencks: Pono Pacific will be contracted to remove the deer with a harvest permit using dogs, ATVs at night.

Michael Kumukauohali provided verbal testimony summarizing cultural aspects and considerations for the project area. Main points:

- Ancestors and family has cultural practices there.
- Stresses connection of mountain to sea
- If you stop the surface and ground water from the mountain from coming down, it's basically going to endanger plants.
- Neck of the property is important aspect for windflow, the pattern of winds. The neck brings in the na`ulua wind and rains.

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- We don't want the access road. You will take more of the habitat web.
- All the access roads are choke with the tobacco plants that they want to take away and put them where they will never grow.
- It was the Polynesian kanaka ma`oli who took the opportunity to increase the abundance and prosperity without collapsing the center. We used the lands without collapsing the source.
- This is a roadmap, a legal document that will be used to predicate how we, the kanaka ma`oli, who are practitioners and lineal descendants, will be allowed to keep what we value highly and pass it on to next generation and to show what is the true value of these resources.

Colin McCormick, a science teacher, provided verbal testimony on cultural and ecological considerations. Main points:

- I've been visiting the lands up there for a good amount of time ever since before the wili wili gall wasp we were up there collecting seed for the wili wili seed bank.
- The USFWS suggests an ecosystem approach to the restoration and preservation of the wailea 670 Honua`ula area, rather than a species approach. They request that 154 continuous acres be designated as critical habitat and HRS 195-D(4) directs DLNR to work cooperatively with federal agencies when processing an HCP. Under that law 195-D(21) specifically mentions that HCPs shall identify those measures taken to protect, restore, and enhance the ecosystems, the natural communities. Or habitats in the plan area. This plan fails to address the ecosystem.
- The plant conservation plan only mentions one plant (awikiwiki).
- There is a plant in there that should be given more attention, the *Lipochaeta rockii*, a morph that Hobdy and Medeiros recognize as a unique morph. The HCP mentions it as a priority species, but there is not one action plan dedicated to it. We should do everything we can to protect this rare and unique plant that only exists in that section of lava flow.
- It's important to keep the wili wili, the canavalia, the maia pilo, which was mentioned to be one of the best remaining maia pilo populations by many notable people.
- On awikiwiki, sometimes I go there and they are gone, then the next year all these seedlings are coming up, those plants come and go. You can't do a survey, not see it, and say there's nothing there. Those seeds can live for 10+ years. And there's hundreds of seeds there.
- The presence of the native plant populations are very dependent on rainfall. The HCP is basically a snapshot of the 2007-2008 survey which therefore doesn't truly do justice to the ecosystem which changes over time. More data is needed to make sound management decisions for the plants and their habitats.
- The mitigation for *Manduca* is not adequate. They claim there were only 24 tree tobacco; we've seen hundreds along there, which is the only food plant left in the lowland dry forest for caterpillars. And there's been *Manduca* sighted in the northern section.
- We need to protect the genetics of these lowland dry forest plants, ensure their longevity.

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- Having gone up there many times, I can contest that it is something worthwhile. If it had a fence around it like the other lowland dry forests I'm sure plants would come back, there is great potential to introduce *Chamesyce celastroides* tree akoko variety lorifolia, or that unique nehe that is only found there.
- The HCP should emphasize this location to be a central plane between [inaudible] and Ahihi-Kinau.

Lucienne de Naie with Maui Cultural Lands provided verbal testimony on cultural aspects and plants with accompanying slides. Main points:

- I have many years of experience working with traditional landscapes and the cultural side of native plants, managing a large area by the Kaheawa wind farm native plant and restoration area about 100 acres.
- We're glad to see what was formerly a 22-acre site is now described as being too fragmented. We thought that from the beginning. But the bigger options are also inadequate to protect cultural sites. We want to emphasize today that the HCP lacks a certain view.
- We want you to recognize that these plants are part of a living culture, it is part of the Hawaiian culture. We want the cultural resources to be acknowledged as resources.
- We would like to see the HCP provide a separate cultural plan, and separate cultural resources plan but there is no summary of what the goal is going to be for the preservation area.
- Are they going to do outplanting in areas that are recognized as cultural sites? Any kind of protocol about that? We don't know who is going to make those decisions. We have to talk it out.
- Cultural organizations have stakeholders, like UH; we didn't hear OHA, [inaudible]. We didn't hear from any of them. OHA was set up to advise DLNR on decisions like this having to do with native plants, cultural resources, habitat and we didn't hear any of that in this document.
- The core area is a very interesting concept. This area shows prime *Nicotiana* habitat. Obviously they are not in the NPPA, but a lot of tree tobacco grow there, hundreds and hundreds. *Manduca* is there probably.
- Some awikiwiki populations that have been documented by Maui Cultural Lands volunteers are outside the critical core where we're really going to concentrate the efforts and yet these are the places they are choosing to grow and prosper.
- We are concerned about this service road along the western boundary. Right now there's a dirt road right against the fence line and about 20 feet from a patch of awikiwiki. FWS thought it was better to avoid that awikiwiki by making that road go in and then come out again. In doing that, we are concerned about an unreported cultural site which doesn't exist in the plan.
- Regarding using a service road outside the current property - Wailea golf course are good citizens and if we all begged and asked them, that could happen.

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- Having a road in the middle of native plants, especially in an area that has a concentration of awikiwiki is not a good idea and disturbs the area. Another solution would be better, and we would like these things taken into consideration.
- The plan is a good first step but we want to make sure that we're using the right guidance to determine where the highest priority action should be taken.

Gon: He appreciated very much when people take the time to come in and present additional information and advocate for what they consider to be important. He stated that the points being made are cogent, and that he was an advocate of protecting lowland dry assemblages yet the HCP is a specific document related to endangered species regulation.

### Mitigation

Jacobi: Questioned the difference between the core area and the larger area.

Eijzenga: The core area is something that USFWS came up with that they needed for their analysis and is based on the 2 to 1 mitigation ratio. The only difference is that outplanting of endangered species will only occur within the core area.

Jacobi: Prefers not to see outplanting in most areas unless it's really necessary and design it into an adaptive feedback loop.

Jacobi: There is a conundrum addressing tree tobacco because it is a primary host for *Manduca* but it is an invasive species. So as a result it is a weed but it must be balanced with requirements for *Manduca*.

Gon: Recommended they bring the issue up with OHA because they will have concerns, and can take it to the land board.

Fretz: Raises the points made about protecting ecosystems and having a plan that identifies how to do that. Will the applicant will develop a management plan that has more specifics and implementation plan that identifies what will be done, how it will be done, and how it will be reported. The committee would like to see that, and that these constituents would like to see and contribute to that.

### Next Steps

Jencks: What is expected from them and what would the next step be. They have a management plan that has been sent out for review and comment.

Fretz: When ready after working through remaining issues with staff they would request a recommendation from this committee to the board whether to approve, reject, or amend.

No Announcements

Meeting adjourned.