

## ENDANGERED SPECIES RECOVERY COMMITTEE (ESRC) MEETING

April 26, 2018 MEETING MINUTES

Meeting Location: Department of Land and Natural Resources, Division of Forestry and Wildlife,  
1151 Punchbowl Street, Honolulu, HI 96813

**MEMBERS:** Scott Fretz (DLNR), Michelle Bogardus (USFWS), Jim Jacobi (USGS), Kim Burnett (University of Hawai'i), Kawika Winter (At-Large), Lisa Spain (At-Large)

**STAFF:** DOFAW: Kate Cullison, Glenn Metzler, Lauren Taylor, James Cogswell  
USFWS: Diane Sether, Jiny Kim, John Vetter

**OTHERS:** Kristin Jonasson, Brad Yuen, Marie VanZandt (Sempra), Marilyn Teague (Sempra), Mililani Browning

### AGENDA

ITEM 1. 9:00 am Call to order.

ITEM 2. Announcements

Presentation on dog hazing of Nēnē on Kaua'i that was scheduled today is cancelled.

January 24, 2019 is the next regularly scheduled ESRC meeting.

Site visits for the Kawailoa and Auwahi HCP amendments need to be scheduled.

Annual reviews need to be scheduled. Discussion on how these should be presented and that the review should include opportunity for the committee to comment on overall species recovery and management statewide.

ITEM 3. Request for Comments on the Auwahi Wind Farm September 28, 2018 draft Habitat Conservation Plan amendment

Auwahi Wind Energy, LLC on Maui requests to increase the permitted incidental take of the Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) over the remainder of their 25-year Incidental Take License (ITL) term.

Auwahi is planning to publish their draft HCP amendment at OEQC in December. The draft is modified and will incorporate recent agency and ESRC feedback. The intention of bringing this version to the Committee is to obtain comments on the draft before it goes public in December.

## MITIGATION

JACOBI: How bats move needs consideration. Habitat improvement in one area could just attract bats from other areas and not increase overall population.

WINTER: Questions lack of plant diversity of hedgerows proposed for mitigation with one concern being disease outbreaks and recommends not more than 50% of any one species.

WINTER: Questions lack of maintenance of water troughs outside mitigation area because they could be an entrapment hazard.

MULTIPLE MEMBERS DISCUSSION: On-the-ground conditions in mitigation area is important and no information of what these are such as topography and presence/use of gulches. Question of how much flexibility in moving hedgerows and that none is specified, only 20% plant cover.

FRETZ: Question adequacy of monitoring and that there should be targets for thermal, acoustic, and insect. In summary we can't tell from the HCP monitoring if it will demonstrate success and that it offsets take by producing more bats. Power needs to be considered so we are confident a change can be detected. Jacobi agrees and that we need statistically significant increases.

JACOBI: Suggests that insect sampling and comparison with a control area outside the mitigation area would be valuable and is a measurable component. As for water there is probably more water in that area now than historically because of cattle ranching and does not know if there is value in providing additional water, i.e. is it a limiting factor. Also, has concerns cattle will be excluded from the proposed new ponds to prevent creation of mudholes and potential mosquito issues.

MULTIPLE MEMBERS DISCUSSION ON MITIGATION PROPOSED: Discussion of using 20 acres as mitigation per bat that is proposed. Noted that current guidance is 40 acres per bat. Winter states it is a bad precedent to go against our current guidance. Consensus is that this guidance needs to be revisited by task force and if it should be adjusted or whether an acreage is the best measure. Jacobi and Bogardus indicate they like the approach proposed because there is a diversity of measures proposed, not just planting trees. Bogardus indicates mitigation acreage not a key FWS consideration and in the end evaluate against federal ESA requirements and success criteria. Fretz says we need to use best practices known. Jacobi emphasizes importance of monitoring to show success. Spain says the mitigation proposed is only 640 acres, short of 40 acres per bat.

PUBLIC PARTICIPATION IN MITIGATION DISCUSSION: Jonasson and Yuen briefly discuss HT Harvey bat study results on Maui and that they found individual bat ranges were very large from 1000-2000 acres. Gulches were used by bats. ESRC questioned how many bats could be

using these large areas. Details of HT Harvey study results to be presented at a future ESRC meeting.

### IMPACTS

FRETZ: Concerned that proposed reversion trigger will result in higher take and exceeding a tier.

MULTIPLE MEMBERS DISCUSSION: Discussion of cumulative impacts. Fretz and Jacobi express concern that there was not a reasonable assessment of cumulative impacts. It was decided this needed further discussion at another time.

### FOLLOWUP

Due to a limited time for discussion, chair Fretz asked members to provide their individual comments on the draft Auwahi HCP amendment in writing to staff by November 2. Comments to be posted the ESRC website.

### **ITEM 4. Request for Comments on the Kawaiiloa Wind Power September 28, 2018 draft Habitat Conservation Plan amendment**

Kawaiiloa Wind, LLC on O'ahu requests to increase the permitted incidental take of the Hawaiian Hoary Bat, and add the Hawaiian Petrel (*Pterodroma sandwichensis*) as a covered species over the remainder of their 20-year ITL term.

The Kawaiiloa draft HCP amendment was published in the OEQC Environmental Notice on October 23, 2018 for the 60-day public comment period.

### MITIGATION

BOGARDUS and FRETZ: Discussion on justification for the 55 bats in tier 4 with mitigation consisting of monetary contribution to the Helemano parcel purchase. Fretz explains it is based on \$50K per bat because that was the criteria used when getting this mitigation arranged and that the ESRC was briefed when the Helemano purchase was proposed and had no major objections. Bogardus states that FWS is using acreage in their evaluation and this must be in the HCP. Bogardus also explained the FWS analysis of credit considering that there were multiple partners contributing to the Helemano purchase and that the tier 4 mitigation as proposed is acceptable for FWS.

MULTIPLE MEMBERS DISCUSSION: Tiers 5 and 6 mitigation are only generally described in the draft provided and more information was requested about what the specific mitigation and location would be. Spain indicated she would have problems with allowing tier 5 or 6 mitigation to occur at Helemano. Bogardus said that if tier 5 or 6 mitigation is proposed at Helemano to

make it very clear to separate it from tier 4. Fretz states that 40 acres per bat is now the guidance but is open to change.

**PUBLIC PARTICIPATION IN MITIGATION DISCUSSION:** Mililani Browning of Kamehameha Schools stated that she did not see the connection between the Helemano land purchase and producing bats for mitigation and since the land is now owned by DLNR who would be responsible. Fretz explained that it is assumed bats are already there and having land managed by DOFAW would protect them. Browning stated she thought there was some missing logic in that explanation and that much of the money for the purchase was from contributors other than Kawaihoa. She also stated and was supported by Winter in stating that some of the land purchased is already designated conservation. Jacobi indicated some development can still occur on conservation zoned land depending on subzone.

### IMPACTS

**FRETZ and BOGARDUS:** Stated that he would like to see a total take request less than 265 bats and that deterrents should be used and assumed effective to some degree. Bogardus said that FWS has to look at the maximum take when there is no hard data to prove effectiveness of deterrents.

**JACOBI:** An important consideration for this HCP is the cumulative impact.

**BOGARDUS:** HCP needs a process for a situation where the take exceeds the permit level at the end of the permit.

### FOLLOWUP

Very limited time was available for this item. Chair Fretz asked members to provide their individual comments on the draft Kawaihoa HCP amendment in writing to staff by November 2. Comments to be posted the ESRC website.

## **ITEM 5.      Adjournment**