

ENDANGERED SPECIES RECOVERY COMMITTEE

25 February 2016 MEETING MINUTES

Meeting Location:

Kalanimoku Building; 1151 Punchbowl Street; Room 322B; Honolulu, HI 96813

MEMBERS: Dr. Scott Fretz (DLNR), Dr. Jim Jacobi (USGS), Dr. Gordon Tribble (USGS), David Tessler (USFWS), Dr. Samuel M. 'Ohukani'ōhi'a Gon III (At-Large), Dr. John Harrison (At-Large), Dr. Eric Vander Werf (At-Large), Kimberly Burnett (UH-Hilo)

ABSENT: None

STAFF: DOFAW: Glenn Metzler, John Vetter; Jim Cogswell, Maggie Sporck-Koehler and Greg Mansker (for Item 2 only)
USFWS: Jodi Charrier, Diane Sether, Leila Gibson

COUNSEL: None.

OTHERS: Mitchell Craig (SunEdison); Ron Duke, Paul Conry (HT Harvey); Tom Snetsinger, Alicia Oller (TetraTech); John Williamson, C. Wallace, Scott Bradshaw, ? Stein, Mike Cutbirth (Na Pua Makani); ? Hamita, Shawn Mura (HECO); Tracy Gotthardt (KMWP)

ITEM 1. Call to order: Introductions of Committee members, staff, and others.

Chair Fretz called the meeting to order at 9:30am.

ITEM 2. Approval of Minutes: December 7 Site Visit and December 17, 2015 Endangered Species Recovery Committee (ESRC) Meeting.

The December 7 Site Visit minutes were unanimously approved. Metzler stated that there was a mixup in the December 17 ESRC meeting minutes and the draft distributed was incorrect and decisions were not clearly indicated. Approval of the December 17 ESRC meeting minutes were deferred.

ITEM 3. Briefing on the Habitat Conservation Plan for *Abutilon menziesii*.

Sporck-Koehler of DOFAW presented a powerpoint with an update on items that had been identified as issues of concern to the ESRC.

Contingency Reserve Area (CRA): The CRA designated in the HCP is 18 acres; current fenced site is 26 acres. Under the terms of the HCP, no take or development can occur within the CRA. Current status of CRA is that success criteria have not been met so no take can occur at this time. At the last ESRC meeting (Dec 2015), the Committee recommended that the CRA remain and that the CRA could be a mitigation site. Upon termination of the ITL in July 2021, if the CRA remains it cannot be taken for development unless proper authorizations are obtained (i.e. incidental take license).

Jacobi asks if only an ITL needed, not an HCP and Sporck answers that HCP would likely be needed and Fretz clarifies that ITL and HCP only needed if conditions of current HCP not met.

Funding: DOFAW is currently reviewing all aspects of the budget and remaining funding for this project and will provide updates when they become available.

Status of the long-term agreements for two outplanting sites: At Honouliulu we have confirmed that the site is secure in perpetuity and FWS Refuge System has management control. We will pursue a special use permit to assure access for DOFAW. At Diamond Head DOFAW is revising the Master Cooperative Agreement that was apparently never finalized in the past and will circulate for signatures soon. We have been in touch with the DH State Park Manager who is supportive of this effort and offered to help DOFAW obtain the appropriate signatures on the agreement.

Jacobi asks if Honouliulu permit would also specify management and staff and other ESRC clarified that it would.

New Kahuku site that DOFAW would like to use for outplanting: The Na Pua Makani Development Agreement with the Department's Land Division is going before the land board on Feb 26 for amendment. A condition of their Development Agreement is to allow DOFAW to access and utilize 5 acres for the purposes of *Abutilon* mitigation. DOFAW expects to start working there very soon. Several reasons were listed that makes the site a good candidate: deep soil & agricultural operations in immediate area point to favorable soil conditions; higher rainfall than Ewa Plain sites (should offset ongoing drought conditions on Oahu); easily assessable but safe due to controlled access; native plant component in the area; availability of water; it is the only site identified with potential that is under State control.

Jacobi asks condition of current vegetation. Mansker explains that some plant species currently present are akia, ulei, alahee. Jacobi asks about steps for developing the site and vegetation structure. Mansker outlines some steps needed and states that we are working with the sites we have available under state control.

Question on long-term outlook: Will these sites ever be functioning wild populations? The staff thinks that in theory it is possible to meet success criteria, but in reality it

seems as though the sites would need management for a very long time (the foreseeable future).

Fretz states that end date for this HCP is 2021. Jacobi agrees long-term is challenging and questionable but we want to set a good precedent with this project. Tessler asks if we could change success criteria and Jacobi was willing to talk about changes but it must be ecologically sound. Harrison said this was the first HCP where complete take of the species in one area was authorized and this was breaking new ground and this experience should be kept in mind going forward. Jacobi asks if other mandates other than mitigation need to be considered, e.g. long term management after HCP. Jacobi states he still has concerns that this HCP will not be successful. He does recognize the success of the genetic repository at Koko Head botanical garden. Gon states that many species have this problem. Fretz emphasizes that long-term management is a concern even if HCP criteria met. Fretz says BLNR can revoke permit if criteria not met. Tessler asks what will happen at end of HCP if criteria not met. Fretz says if ITL not revoked then it would end in compliance. Jacobi says annual review of program is important to provide advice on how to get things to work, e.g. adaptive management. Fretz says many HCPs and species have similar challenges.

Mansker says that if population was left with nothing done (no ITL) the population would not persist so we have had a positive impact and net benefit. Harrison says one lesson is that applicants need to be aware that mitigation has to be met for take to occur. Tessler asks what applicant responsibility is if end of ITL and goals have not been met – is the applicant still responsible for continuing the effort to meet the goals. Fretz says they would no longer have mitigation responsibility if ITL not revoked. Mansker asks if recovery goals not met at end of term, can we leverage CRA and ask for more money to meet success criteria. Fretz asks what is the reason is for discrepancy between 18 acre CRA in HCP and current 26 acres. Mansker says there were some errors putting up fencing. Fretz says if number is in area then an area on a map is what matters, not acres.

ITEM 4. Briefing on status of Bat Implementation Plan

Vetter of DOFAW gives a brief summary of where the process of development of the plan stands and the general concepts. This plan is an implementation plan for the ESRC-approved 2015 *Endangered Species Recovery Committee Hawaiian Hoary Bat Guidance Document*. To develop the implementation plan a subcommittee was formed with DOFAW and FWS staff and ESRC members Fretz and Jacobi. The process envisioned is to set priorities for research projects and for DOFAW staff to develop an (RFP) for the projects which would then be sent out for competitive bid. State would not take money but would develop a pre-approved set of projects. The committee would rank the proposals for consideration by the ESRC. The final ESRC recommendations for the proposals would then go to the applicants for them to decide and procure the work. Vetter asks how involved the ESRC wants to be.

Fretz states that there is a draft implementation plan already that came from meetings of the subcommittee and that when developed further it should be brought before the committee when ready. Jacobi says the process centralizes and prioritizes projects and future HCPs or amendments of current HCPs can be more specific as to what will be done for mitigation. Fretz asks if any other members want to be part of the subcommittee and there were no responses. Fretz did assure the ESRC members that they can review as much detail as they want and the specific recommendations and projects will come before the committee at some point in any case. Fretz asks if committee ok with the approach and there is agreement. He explains that they have asked staff to solicit proposals and rank proposals submitted. Jacobi asks if there is room in this process for a direct selection of a contractor if one contractor is a recognized expert. Fretz says he thinks we should be getting proposals from multiple parties for all work. Fretz says applicants will not have to pay for any of this process and this should save them some effort. Jacobi said he just wanted to be sure applicants were not excluded completely from the process and Fretz said no they would be able to participate to whatever extent they wanted.

Tessler asks what will happen with current HCP project (Na Pua Makani) before the committee now. Fretz says that HCP has only \$100K for research. Staff will make a recommendation for what is the best research project for that \$100K. Craig of SunEdison asks if amendments would not need to have specifics for research projects if the subcommittee does not yet have specific projects recommended and they have been approved by the ESRC. Fretz says yet, but not ideal. Craig questions habitat management versus research and how is it determined. Fretz says that we don't want to put all mitigation into one area and not the other, at least until we know more. Jacobi agrees that split between those two elements will develop as we go along in this project. Craig asks if it might be best to bring the question of split in habitat management versus research for KWP II back to the ESRC before going to the public process. There was some discussion of the 1600 acre mitigation project. Craig said that he has been proceeding with the concept of providing the elements that would be needed for habitat management and not specifics for any one area.

Conry asks about next steps and timing for implementation plan. Fretz says draft of implementation plan will be coming to the committee for the next ESRC meeting. Fretz asks how long an RFP period usually is. Consensus seems to be 30 days for most. Fretz thinks the whole process will be about 3 months for recommendations from subcommittee to be ready. Conry asks if applicants will have some choice. Fretz says that these will be recommendations only. Conry says that the proposals will have a shelf life. There is discussion of funding one project from multiple sources. Fretz says that current RFP and ranking process will cover only near-term needs of projects. Duke comments on a project that would require funding by more than one applicant. He says it can get complex in the funding and reporting. Vetter emphasizes that the implementation plan is only to put in place the bat guidance document.

ITEM 5. Update on Kauai Seabird Habitat Conservation Plans

Consideration of this item was deferred to the next meeting.

ITEM 6. Request for recommendation of approval of the Na Pua Makani Wind Energy Project Habitat Conservation Plan (HCP) for the proposed windfarm located at Kahuku, O‘ahu. Vote to approve, reject, or amend HCP.

Staff introduced the request and stated that the ESRC had made recommendations for changes in the draft HCP at the December 17, 2015 ESRC meeting and the changes made in a revision to the HCP reflect those recommendations. The applicants consultants (Snetsinger and Oller of TetraTech) then gave a presentation on the changes that were made. There were approximately 12 specific items commented on in the draft at the December 2015 ESRC meeting that needed responses. The areas that were revised are in the following areas: added a minimization measure to lower construction cranes at night that were not in use; expanded discussion of take of non-turbine components; revised population level impacts discussion for bats; expanded discussion of cumulative impacts to bats to include discussion of O‘ahu; revised land acquisition discussion; expanded bat implementation and measures of success for forest restoration; expanded Newells Shearwater mitigation; revised Hawaiian goose measures of success; expanded waterbirds measures of success; revised post-construction monitoring and made monitoring changes in the future contingent on DOFAW and FWS approval; and added changed circumstance discussion on commercially viable bat deterrence measures. Several other minor wording changes were made. They understand the agencies have reviewed their changes and have approved them.

Jacobi asks that determination of whether a take was due to turbines be specified. On implementation of post-construction interim monitoring procedures Jacobi asked that the applicant explain the trigger for triggering switch to interim monitoring. Snetsinger replied that it was the responsibility of the applicant to decide and make the case to the ESRC which must approve. Evidence would be consistency from year to year. Fretz asks how consistency would be determined. Jacobi overall prefers that full monitoring be continued for the full length of the permit. Jacobi would require strong evidence that interim monitoring was warranted. Jacobi also had another question about whether SEEF and CARE would be conducted in the interim monitoring and Snetsinger said no. Jacobi replied that was a real concern to him because those could change over time. Tribble asked if there were statistical considerations. Oller said all HCPs have some provision for reduced monitoring. Craig (SunEdison) stated that ESRC has given an approval for reduced monitoring (area below turbines) previously on one of their projects. Regarding the amount of take occurring and transition to reduced monitoring, Craig said he did not understand why the committee would want to punish an applicant who had low take (versus higher take) and thus not enough information to establish consistency from year to

year. Tessler stated there are other ways of supporting reduced monitoring such as radar monitoring.

With respect to nene mitigation Vanderwerf noted that nene have not been observed consistently at this time at James Campbell NWR (JCNWR) and the best mitigation would be predator control. Snetsinger said there were two potential areas that would be fenced. Vanderwerf noted that the entire refuge perimeter was already fenced and that the best nene habitat at the refuge had already been fenced. Charier (FWS) stated that she had spoken with the refuge manager at JCNWR and he indicated not all areas were fenced and the nene were there regularly. Vanderwerf said the male seems to be gone so it is just the adult and one offspring. He suggests predator control might be a better mitigation. Discussion ensued on the possibility of changing the mitigation and the possibility of adaptive management to change mitigation was suggested. Flexibility was thought to be a good thing at this time and to check back with the refuge for current status. This was taken under consideration by the applicant.

Jacobi said that in Figure 5 the word alternative does not seem correct and this was confirmed by Snetsinger. Regarding the habitat improvement project at Poamoho Jacobi stated a preference for on-the-ground work and not writing a management plan. Fretz said a plan is needed to direct the work. Oller said that this had been agreed in past ESRC discussions.

Jacobi was concerned about showing results beneficial to bats from the restoration work. Although he was generally supportive of the restoration work at Poamoho, he thought adding a control site for comparison might be considered, possibly using some research dollars. Fretz asks if there was another area near that could be used as a control. Fretz asks if there were any changes to restoration plan that would help show benefits. Snetsinger said they would do statistical tests but that they still need to be developed. Jacobi questions if the restoration work and monitoring will result in a bat response. Tessler said there were two things to consider: overall research monitoring (which he called “big” research) and specific monitoring for this restoration and that we may only be able to do the latter. Jacobi says maybe this site could fit into the overall bat research program (bat implementation plan).

Gon expressed his appreciation for the presentation made by the applicant and explaining all the changes made.

There were no further comments from the public on this item.

MOTION:

Gon made a motion that the draft Na Pua Makani HCP be approved.

APPROVED: Fretz asked for other members approval and all approved except Vanderwerf who recused himself due to potential conflict of interest.

ITEM 7. Announcements.

Fretz announced that Dave Smith was selected at the DOFAW Administrator.

Staff announced that the Department of Accounting and General Services (DAGS) is proposing to replace an existing communication tower located on Haleakala and will be coming to the committee with an HCP. The species of concern is Hawaiian petrel.

Fretz stated that Afsheen Sidiqi has taken another job as the seabird and waterbird coordinator at DOFAW.

ITEM 8. Adjournment

Meeting adjourned at 12:15 pm.