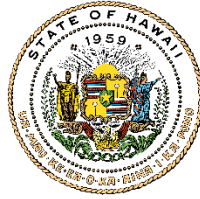


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

ENDANGERED SPECIES RECOVERY COMMITTEE (ESRC)
PUBLIC MEETING

DATE: January 9, 2023/ January 11, 2023
TIME: 9:00 AM
LOCATION: DLNR – DOFAW Main Conference, Kalanimoku Building
1151 Punchbowl St, Room #325., Honolulu, Hawai'i
Online via Zoom; and Livestream via YouTube recorded at
<https://www.youtube.com/live/EsfYLU8nUJo?si=g3gdCL-LcDm2lsjB>

DRAFT SUMMARY MINUTES

MEMBERS

Lainie Berry
Loyal Merhoff
Michelle Bogardus

Lisa Hadway Spain

Jim Jacobi
Bob Reed
Melissa Price

STAFF

Paul Radley – DOFAW
Myrna N. Giraldo - DOFAW

Katherine Cullison - DOFAW
Miranda Steed - AG

OTHERS

Jennifer Taylor-TetraTech
George Akau - AEP

Tom Snetsinger - TetraTech
Tiffany Agostini - TetraTech
Nāmaka Whitehead-KSBE

Matt Stelmach - AEP
Jacob Dutton - TetraTech

01.9.2023/9:00AM/00:16:36

ITEM 1 - Call to order, announcements.

Lainie Berry called the meeting to order. Requested ESRC members to introduce themselves. Made the following announcements:

- Paul Radley has transitioned to a new position.

01.9.2023/9:14AM/00:21:33

ITEM 2 – Status of the Kaheawa Pastures Wind Energy Generation Facility (KWP I) Habitat Conservation Plan, Maui

Jennifer Taylor presented, on behalf of Kaheawa I, a review of the KWP I Habitat Conservation Plan for FY 2022- September 30th, 2022.

Questions and Comments from the ESRC members:

- Loyal Merhoff: On the potential minor amendment for tier 2, could you elaborate?
 - Jennifer Taylor: 60 is what has been authorized for tier 1. The ITL has a higher level of take for tier 2 for the other species, except for nēnē. Work is in progress with the HCP team to include a higher level of take for nēnē on the ITL.
 - Jennifer Taylor: The amount for the higher level of take would be, based on projections, and four years from the permit term, we would like to bring down from 100 adults to a reduced amount and that number has not been determined at this point in time. Working with the agencies to get this number solidified.
- Jim Jacobi: Is the area above the site still used as a release area for nēnē?
 - Michelle Borgardus: If I remember correctly, the area, per John Medeiros (DOFAW-Maui Wildlife Biologist), is no longer used to release nēnē, but it is still being managed to support nēnē.
 - Jim Jacobi: This might have to be reevaluated to no longer use the area as a place to support nēnē to reduce the amount of potential take.
- Michelle Borgardus:
 - Given the current take of 51, it is quickly approaching the 60-take limit. And the work with agencies needs to happen quickly to address this.
 - The ITP does address tier 2, but the ITL does not allow for the higher authorization of take.

01.09.2023/9:36 AM/00:46:42

ITEM 3 - Status of the Kaheawa Wind Power II Wind Energy Generation Facility (KWP II) Habitat Conservation Plan, Maui

Jennifer Taylor presented on behalf of Kaheawa Wind Power II a review of the KWP II Habitat Conservation Plan for FY 2022- September 30th, 2022.

Questions and Comments from the ESRC Members:

- Bob Reed- During the acoustic monitoring, are the bat calls differentiated to help determine why the bats are in the area?
 - Jennifer Taylor: At the moment, they are not being differentiated by activity.

ESRC members provided the following recommendations for both KWP I and KWP II:

- Please include a status update on the nēnē mitigation to the ESRC in order to provide continuous input for the various changes happening in terms of the nēnē mitigation.
- Continue to keep channels of communication open so that the ESRC can provide input and conversations don't remain just between the licensee and the agencies.

01.9.2023/10:25 AM/01:35:54

Five-minute break

01.9.2023/10:32 AM/01:42:27

ITEM 4 – Status of the Auwahi Wind Energy Habitat Conservation Plan, Maui

George Akau presented, on behalf of Auwahi Wind Energy, a status update on the Habitat Conservation Plan.

Questions and Comments from the ESRC Members:

- Jim Jacobi stated that during the annual review, there is a presentation that is normally given to act as a stimulus for the ESRC members to provide feedback and recommendations.
- Matt Stelmach states that they have spent time creating presentations in the past, but the ESRC members do not spend time reviewing the annual reports, and the language of HRS 195D does not state the applicants need to spend so much time in creating presentations, but it does state that the ESRC members need to review the ITL, ITP, and HCP annual. They wanted to be present to answer questions the members might have had during their review.
- Kate Cullison responded by stating that while yes the ESRC are responsible and does review the reports, these presentations are also for the public. They are expected to get the basics from each permittee.
- Michelle Bogardaus states that this happened last year, and the ESRC stated they would like/need a presentation made with a basic overview of the information from the annual report.
- Matt responded and stated that Auwahi made a presentation, and Jim responded that the second day had no presentation, and Paul conferred.
- Auwahi proceeded to summarize the data from the annual report.

ESRC members provided the following additional recommendations:

- It would be helpful to conduct a study on bat behavior to compare bat deterrent success between Kawaihoa and Auwahi.

01.9.2023/11:04 AM/02:14:34

Motion

Motion to move into executive session proposed by Jim Jacobi, to discuss a few issues related to the annual review process

- Seconded by Michell Bogardus
 - Laine Berry voted yes
 - Loyal Merhoff voted yes

01.9.2023/ 11:55 AM/00:00:00

Motion

Lainie Berry makes a motion: Further discussion on Item 2 is not efficient and would like to see a presentation to be made to by the license holder (following the requirements sent out by Paul Radley on Dec. 7th, 2022) to be presented on Jan. 11th, 2023, or at a later HCP annual review date presented by HCP staff

- Seconded by Jim Jacobi
 - Michelle Bogardus voted yes
 - Loyal Merhoff voted yes

01.9.2023/12:00 PM/00:06:25

Lunch break for 40 minutes

01.9.2023/12:40 PM/00:43:38

ITEM 5 - Status of the Kahuku Wind Power Habitat Conservation Plan, O‘ahu

Jennifer Taylor presented on behalf of Kahuku Wind Power an overview of the FY 2022 annual report from the Kahuku Wind Power Habitat Conservation Plan.

Questions and Comments from the ESRC Members:

- Laine Berry: Any potential impact on fatalities from the proposed equipment replacement? The blades are going to be much longer.
 - Jennifer Taylor: With the new turbines, there will be a chance of installing deterrents for minimization efforts. The blades would not be in excess of 10 m difference and are not substantially larger. This was originally proposed in 2019 and the agencies agreed at that time, but it was put on hold. The search area would be expanded in proportion to the blade length to account for the rotor-swept area.

01.9.2023/ 1:03 PM/01:06:27

ITEM 6 - Status of the Nā Pua Makani Wind Energy Project Habitat Conservation Plan, O‘ahu

Tom Snetsinger presented on behalf of Nā Pua Makani Wind Energy Project an overview of the FY 2022 annual report from the Nā Pua Makani Wind Energy Habitat Conservation Plan.

Questions and Comments from the ESRC Members:

- Jim Jacobi: Have you considered using thermal imaging and target identification software as supplemental monitoring, in those challenging search areas? It could be a way to validate the data received from the acoustic monitoring, and if coupled with bat deterrents, there’s potential for research and to see the effectiveness of deterrents.
 - Tom Snetsinger: The challenge here is when the acoustic activity data is viewed, it is probably reflective of the number of bats present, and trying to capture thermal imagery when we have low sample sizes, I have to question if that is going to pay off. We feel good about being able to cover over 70% of the carcass distribution of bats and we have high searcher efficiency and high carcass persistence that we get a good handle on the actual fatalities.
- Jim Jacobi: In terms of the deterrent research plan, is this going to be coming to the ESRC for input?
 - Tom: we have brought this forward to DOFAW for clarification about that process.
- Laine Berry: Is there any way to increase the search areas to avoid bias when conducting searcher efficiency trials?
 - Tom Snetsinger: We've looked at it and in terms of searcher efficiency trials we test the entire areas, and given the amount of sampling we do, we are confident in searcher efficiency is very high when using for EoA analysis.
 - Laine Berry: So you are taking into account in the non-searched areas?
 - Tom Snetsinger: Yes all of those are accounted for in EoA
- Jim Jacobi: For the Nā Pua Makani Wind Energy Project Mitigation stats, under “Goals- Inform

decisions regarding additional deterrents” what specific data analysis or results would lead you to add additional deterrents or that the deterrents are not working at all?

- Tom Snetsinger: A combination of things, but primarily acoustic activity for assessment of risk, distributed around turbines that have deterrents or not. And the type of habitat surrounding the turbines. Conversations with DOFAW and what seems feasible will also be factors.
- Bob Reed: There is a fair amount of island-specific data that could feed into the plan that can make it more tailored to the site.
- Jim Jacobi: What is the ballpark figure of what it costs to deploy a deterrent? I’m trying to get a feel of the fiscal impact that would impact the decision to deploy deterrents.
 - Tom Snetsinger: Will get back to DOFAW with the information to get back to the ESRC.

ESRC members provided the following additional recommendations:

- Include DOFAW in conversation with the NFWF funds, along with USFWS, after checking with the HCP as Nā Pua Makani does not have control of the funds.
- Consider looking at other ways for validating the acoustic activity data.

01.9.2023/ 2:09 PM /[02:12:10](#)

ITEM 16 - Move to adjourn by Jim Jacobi

- Laine Berry seconds
 - Loyal Merhoff voted yes.
 - Michell Bogardus voted yes.
 - Bob Reed voted yes

Review of future agenda items:

- Recommended discussion clarifying on the ESRC member’s roles regarding the creation of mitigation plans.
-

01.11.2023/9:00AM/[00:00:00](#)

ITEM 1 - Call to order, announcements.

Lainie Berry called the meeting to order. Requested ESRC members to introduce themselves. Made the following announcements:

- Continuation of annual review meeting from 1/9/2023
- Agenda item changes:
 - Item 4: Status of the Auwahi Wind Energy Habitat Conservation Plan, Maui
 - Item 8: Status of the Kawaihoa Wind Power Habitat Conservation Plan, Oahu
 - Item 7: Status of the Cyanotech Aquaculture Facility Habitat Conservation Plan, Hawai‘i
 - Item 9: Status of the Kaua‘i Lagoons Habitat Conservation Plan, Kaua‘i
 - Item 10: Status of the Safe Harbor Agreement for Pu‘u o Hoku Ranch, Moloka‘i
 - Item 11: Status of the Programmatic Safe Harbor Agreement for Nene (*Branta sandvicensis*), Moloka‘i
 - Item 12: Status of the Safe Harbor Agreement for the introduction of Nene to Pi‘iholo Ranch, Maui
 - Item 13: Status of the Safe Harbor Agreement for the Reintroduction of Nene to Haleakala Ranch, Maui
 - Item 14: Status of the Safe Harbor Agreement for the Hawaiian Duck (*Anas wyvilliana*)

- and the Nene on Umikoa Ranch, Hawai‘i
- Item 15: Status of the Safe Harbor Agreement for Kamehameha Schools, Keauhou and Kilauea Forest Lands, Hawai‘i
- Item 16: Adjournment
- The KIUC Draft will soon be published on the Environmental Notice, and once published, the ESRC will be notified.

01.11.2023/9:06AM/00:06:07

Item 4 - Status of the Auwahi Wind Energy Habitat Conservation Plan, Maui

George Akau and Matt Stelmach presented on behalf of Auwahi Wind Energy a status update on the Habitat Conservation Plan.

Questions and Comments from the ESRC Members:

- Jim Jacobi: Has take monitoring around the met tower been looked at?
 - George Aku: We do search around the met tower, but it is not part of the requirements. No bat fatalities were under the met tower. Working with USGS to analyze thermal imaging data for bat activity around the met tower. Because we have high take at the adjacent Tower 6, we were trying to remove what could potentially be attracting bats.
 - Matt Stelmach: Part of the HCP amendment commitment to have the adaptive management living document, to conduct literature reviews of current studies to find new information to help with updating of the adaptive management plan and that is what led to the questioning of the need to remove the met tower, because in other places the met tower has attracted bats which could be a reason the adjacent turbine has the higher rate of take.
 - Jim Jacobi: You aren't seeing any other species fatalities at the met tower?
 - George Aku: no we are not, and that is surprising hearing from other projects, but no birds or bats.
- Lisa Hadway Spain: Tier 5 mitigation site: What is the elevation at the site? Is there concerns for water at the higher elevations and potential mosquito breeding?
 - Matt Stelmach: The pond is below the elevation of the existing water tanks at the site, so it is not believed to increase the risk of mosquitos.
 - George Aku: Forest bird surveys have shown that forest bird populations have increased near the ponds that have been built in adjacent areas.

ESRC members provided the following recommendations:

- Need for a follow up conversation to tweak the deterrents to increase the effectiveness for Maui bats.
- One thing to look at, regarding addressing the take issues, would be looking at the studies that have been done on medium to long-ish terms of grazing on insect populations. You might want to see how long the grazing impacts last at a site on insect populations. These would mostly likely be studies on mainland riparian areas.
- Include the Evidence of Absence (EoA) numbers for future presentations and submittals.
- Given the rate of take, and it can't be slowed, bigger conversations need to happen regarding tier 6 and start the planning process for that.

01.11.2023/9:51AM/00:51:30

Item 8 - Status of the Kawailoa Wind Power Habitat Conservation Plan, O'ahu

Tiffany Agostini, Tom Snetsinger, and Jacob Dutton presented on behalf of Kawaihoa Wind Projects LLC a status update on the Kawaihoa Wind Habitat Conservation Plan.

Questions and Comments from the ESRC Members:

- Loyal Merhoff: Will there be any changes to management with a change in the Rho value at 95% CI?
 - Tom Snetsinger: There will be no changes to management, but it will affect the planning stage for tier 4, and what take authorization will be looked at. If changes to management, regarding low wind speed curtailment, that would come later.
- Michelle Bogardus: To clarify, Kawaihoa is in tier 4?
 - Tom Snetsinger: We are at the end of the line into crossing into tier 5, without the Rho value adjustment. If we do adjust the Rho value, we are in tier 4.

ESRC members provided the following additional recommendations:

- The request to lower the take amount for waterbirds is a reasonable request, the ESRC members would like to see the development of a plan B. This plan B would be in place on the chance of take of a waterbird occurring after the decrease in the take amount, as a precautionary measure.
- Continue to have close communication with both the agencies and ESRC about Kawaihoa's plans and standpoints regarding the decision to lower the take number of waterbirds.
- Encourage Kawaihoa to have Tier 5 for bat mitigation ready as they have hit the 75% mark in Tier 4. In preparation for the likely possibility of hitting Tier 5.

01.11.2023/10: 36 AM/[01:36:14](#)

10-minute break

01.11.2023/10: 46 AM/[01:46:53](#)

Item 7 - Status of the Cyanotech Aquaculture Facility Habitat Conservation Plan, Hawai'i Island

Myrna N. Girald Perez, the Protected Species Habitat Conservation Associate, presented on behalf of the Cyanotech Aquaculture Facility, a status update on the Habitat Conservation Plan.

Questions and Comments from the ESRC Members:

- Loyal Merhoff: Since Cyanotech is still and active HCP on the federal side, is there a balance on the HCP as far as offsetting take?
 - Michelle Bogardus: As of right now, the mitigation still exceeds the take that has incurred over the life of the project and extends into 2035.
- Laine Berry: If Kalako-Honokō hau is chosen as the mitigation site, will there be issues, like Kenai Nui, regarding the site already having mitigation and habitat restoration funding?
 - Michelle Bogardus: Depending on the wording, since there is no federal requirement for Cyanotech to complete mitigation, it could potentially not cause a problem. Since Cyanotech will be trying to draw stilts away from the Cyanotech area.
 - Michelle Bogardus: There is a problem on the Kona Coast, by having a limited number of sites that are being well managed, to support the population of waterbirds. There are a lot of situations where birds move from sink to sink, and it won't change unless we have durable conservation at high-quality sites, effective predator control, good monitoring of the population at a population scale, it is a broader recovery and conservation concern of the Kona coast, but they are right to look at options at how to include suitability away from Cyanotech as a way to deter them from the raceways and the airport.
 - Melissa Price: Any time studies have documented fledgling success, it comes up with a bad number because there is an 80% mortality even with effective predator control.

01.11.2023/11:08 AM/[02:08:00](#)

Item 9 - Status of the Kaua‘i Lagoon Habitat Conservation Plan, Kaua‘i

Myrna N. Girald Perez, the Protected Species Habitat Conservation Associate, presented on behalf of the Kaua‘i Lagoon a brief status update on the Habitat Conservation Plan.

The original presenter was unable to make the meeting due to illness and informed the HCP team last minute. Myrna was unable to create a presentation in the short amount of time and reviewed the summary that was shared with the ESRC members.

Kaua‘i Lagoons will be doing an amendment to increase the take of Hawaiian Moorhen.

DOFAW expects that for future ESRC meetings, the consultant will present, in more detail, the work for FY 2022 for the ESRC members to have a better understanding of what is happening at the project site to provide more detailed input/recommendations.

The ESRC members will wait until the next meeting to ask questions directly to the consultant.

01.11.2023/11:21 AM/[02:21:29](#)

Item 10 - Status of the Safe Harbor Agreement for Pu‘u o Hoku Ranch, Moloka‘i

Myrna N. Girald Pérez, the Protected Species Habitat Conservation Associate, presented on behalf of the Maui Nui Safe Harbor Agreements, a status update for Pu‘u o Hoku Ranch, Moloka‘i, the Reintroduction of Nene to Haleakalā Ranch, Maui, and the Hawaiian Duck (*Anas wyvilliana*), and the Nene on Umikoa Ranch, Hawai‘i.

DOFAW is currently in discussion with Pu‘u o Hoku Ranch to enter into a new Safe Harbor Agreement.

Questions and Comments from the ESRC members:

- Melissa Price: There is no waterbird person on Maui, so who is taking care of the nēnē at the moment?
 - Laine Berry: John Medeiros is the person, until the position is filled.
- Melissa Price: How realistic is it for DOFAW to continue the management of the site, given that predator control is a huge endeavor and there are limited resources that are able to be provided by DOFAW?
 - Jim Jacobi: This is a persistent question that continues to come up with these projects
 - Laine Berry: Branch staff needs to discuss internally.
 - Melissa Price: What are potential actions that can be taken on this?
 - Laine Berry: Staff is being sent once a week to do predator control, and funding is being sought to provide more resources to staff.

01.11.2023/11: 32 AM/[02:32:30](#)

Item 12 - Status of the Safe Harbor Agreement for the introduction of Nēnē to Pi‘iholo Ranch, Maui

Questions and Comments from the ESRC Members:

- Melissa Price: This is another project that has continuous questions. What is the process of revoking an HCP when an ownership of the land has changed and the new owner doesn't have

much interest in continuing a safe harbor agreement and is limiting access, that makes it an ineffective SHA. What is the process of revoking a SHA, is there a drawback?

- Laine Berry: The ESRC can vote to recommend rescinding an ITL and that would go to the board.
- Melissa Price: What are the implications for the remaining birds onsite, if the ITL and SHA is revoked?
 - Laine Berry: That would depend on the landowner, but they can return the listed species back to baseline, which in this case would be zero.
- Melissa Price: Is there a good faith understanding with a SHA?
 - Jim Jacobi: If landowner is not putting in effort into the SHA, does the agreement protect the landowner for their lack of participation?
 - Laine Berry: The ITP has expired, so there is no SHA in the eyes of the USFWS.
- Jim Jacobi: What are the options in where we stand with this project?
 - Jim Jacobi: Do we count the 59 birds as a new baseline since the ITP has expired? Do the 59 young fledged, is KWP awarded those mitigation credits? And there were birds lost, so are the 29 subtracted by the 59?
 - Paul Radley: KWP has only been awarded 3 years of mitigation credit, they have been funding the mitigation efforts for the ranch for the last few years.
- Jim Jacobi: Does this SHA fit with Umikoa discussion in terms of if this should continue on?
 - DOFAW has limited access, and it could end up being a sink.
- Michelle Bogardus: On the federal side the agreement is null and void because the permits follow the landowner and not the land. On the Federal side there is no active permit and nothing protects the landowner from take of the birds already there. We would like to work with the landowner to implement another safe harbor or a general agreement of taking care of the nēnē. We would never push a landowner to enter into an agreement they aren't willing or ready to enter into one. Maui DOFAW is establishing relationships with the landowner, and we need to continue to support Maui DOFAW's role in developing that relationship.
- Jim Jacobi: I support that. So if they were to do another SHA would the baseline be 43, I'm taking that number from the bottom of the table there, or go back to zero?
 - Michelle Bogardus: No, Unless we can look at it, but legally, in order for them to retain a baseline of zero, the incoming owner would have had to agree to continue the agreement and continuation of the ITL prior to taking ownership of the property. A letter went out to the new owners, from both agencies, asking if they wanted to take continue it, but we haven't heard from it. If they wanted to do something in the future, it would be more of a conservation agreement, but we couldn't do a baseline of zero.
 - Michelle Bogardus: I told agency staff that this is the type of situation we need to prepare for when doing a SHA and HCP mitigation on top of an existing agreement.

01.11.2023/11:59 AM/[02:59:25](#)

Item 13 - Status of the Safe Harbor Agreement for the Reintroduction of Nēnē to Haleakalā Ranch, Maui

Questions and Comments from the ESRC members:

- Jim Jacobi: Looking at predators killed, it seems like a small number, does this mean the predator population is going down, regionally, or is there less effort going into predator control? How does the nest predation and predator control work?
- Melissa Price: There was a huge uptake of nests in 2022, more than average, even though the nēnē population was lower. And there were no nests predated, how were the nests counted? And

young fledged was not much higher than the last years.

- Jim Jacobi: Are we underestimating the amount of effort needed to manage these sites adequately?
 - Michelle Bogardus: These questions are more concerning for the HCP projects that are looking to take over management for their mitigation efforts.
- Michelle Bogardus: On the federal side, if I remember correctly, the SHA was renewed and updated in 2017/2018, but hasn't happened on the state side. The SHA period is still going, but the permit exceeds the life of the agreement.

01.11.2023/12: 15 PM/03:15:53

Item 11: Status of the Programmatic Safe Harbor Agreement for Nēnē (*Branta sandvicensis*), Moloka'i

Questions and Comments from the ESRC members:

- Is there an active effort by the agencies to get active participants to agree to this?
 - The last nēnē estimate on Moloka'i for 2021 was a population of six for the entire island. There is no effort on the USFWS to bring in participants to the program. There needs a true translocation effort with multiple spots included across the islands.

01.11.2023/12: 21 PM/03:21:08

Item 14 - Status of the Safe Harbor Agreement for the Hawaiian Duck (*Anas wyvilliana*) and the Nēnē on Umikoa Ranch, Hawai'i

The SHA expired, the ITL was rescinded, and the ITP is no longer valid.

Questions and Comments from the ESRC Members:

- Jim Jacobi: This gets the agencies and the ESRC to be cautious when entering into SHA, as it is less rigid and more challenging.
- Laine Berry: The SHA were written many years ago, and the agencies have learned from the process since then. Jim Jacobi: For Pi'iholo what will happen to the nēnē population who have made roots there and will an agreement continue or will efforts to create a new SHA be developed? Laine Berry: The branch staff is still trying to establish rapport. Laine Berry tried to move to motion the rescinding the Pi'iholo Ranch ITL based on the lack of a SHA and an ITP.
 - Jim Jacobi had to abstain himself and USGS.
 - The item was not on the agenda and the ESRC was unable to proceed with the motion.

ESRC members provided the following additional recommendations for the Maui Nui SHAs:

- Have a consistent strategy for approaching existing and future SHAs.
- Determine the feasibility for the continuation of these SHAs.
- Have a discussion on the SHA on Moloka'i at the next ESRC meeting to come up with solutions for the questions that are continuously brought up, so these discussions of SHA continuing do not just stay between the agencies.
- Add a motion to vote to revoke the ITL of Pi'iholo Ranch to the agenda for next meeting.

Additional recommendations and comments from the ESRC Members regarding future meetings:

- Jim Jacobi: Can meetings be scheduled to go over the individual HCPs in order to discuss if the

projects are doing what they are supposed to do?

- Lisa Hadway Spain: Can DOFAW word the agenda to make it possible for the ESRC members able to advise and comment on the status of the HCPs?
- Melissa Price: Would it be possible to have a time on the agenda to grade the projects status updates as “meeting expectations, not meeting expectations, more information required”?
- Jim Jacobi: Have a summary update on the Abutilon HCP to see how things ended and how the plants were left.

01.11.2023/12:42PM/03:42:25

Lunch Break

01.11.2023/1:32 PM/04:31:02

Item 15 - Status of the Safe Harbor Agreement for Kamehameha Schools, Keauhou and Kilauea Forest Lands, Hawai‘i

Nāmaka Whitehead, on behalf of Kamehameha Schools, presented an update on year four of the Safe Harbor Agreement for Keahou and Kilauea Forest Lands.

Kamehameha Schools is proposing an amendment request to reduce mortality for *Cyanea stictophylla* by 12 outplants, *Phyllostegia racemosa* by 4 outplants, *Clermontia lindseyana* by 13 outplants, *Cyanea shipmanii* by 182 outplants, and *Phyllostegia veluntia* by 9 outplants. It does not affect the outplants of the founders. For three of the five species, there were no founders, and consisted only of outplants. An additional amendment request proposes adding *Exocarpus menziesii* and *Sanicula sandwicensis* to the covered species. The outplant mortality amendment is being proposed as a minor amendment, and the addition of the two plants is being proposed as a major amendment.

Questions and Comments from the ESRC Members:

- Jim Jacobi: What is your source for propagules for *racemosa* and *sandwicensis*?
 - Nāmaka Whitehead: Working with Hawai‘i DOFAW to identify a source.
- Jim Jacobi: How did you come up with the numbers of reductions for the amendment?
 - Nāmaka Whitehead: It was based on an actual survey conducted on all the outplants. The survey was over the first year and a half and is based on actual mortality.
- Michelle Bogardus: On the federal side, we are supportive of the amendment and are going to proceed on the federal side.
- Jim Jacobi: In terms of ESRC action, can the ESRC propose an action for a future agenda?
 - Laine Berry: DOFAW was looking to seek ESRC review and input and would then be posted for 60 days and then return to the ERSC for approval.
 - Laine Berry: DOFAW is working on rules for major and minor amendments, and a minor amendment would only need ESRC and agency approval. A major amendment does need Board approval, and the ESRC would provide the recommendation.

Review of future agenda and action items:

- A review of the role of the ESRC members in HCPs and SHAs biological discussions to allow for more open discussion with the ESRC and licensees.
- Loyal Merhoff: Can DOFAW provide the information for the take that was awarded for KWP I and II, at Makamaka‘ole for Newell’s Shearwater. That was decided upon by DOFAW and the

applicant and later approved by the USFWS. Can I see that as it was not an attachment to the annual report. It was adults only at Makamaka‘ole and I am not sure how that number was derived.

01.11.2023/2:12 PM/05:14:09

Item 16: Adjournment

Laine Berry moved to motion Adjournment

- Loyal Merhoff seconded the motion
- Lisa Hadway Spain voted yes
- Melissa Price voted yes
- Michelle Bogardus voted yes
- Jim Jacobi voted yes