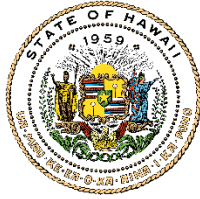


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

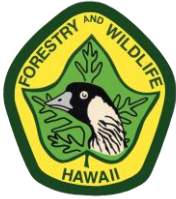


DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
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: May 17, 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/watch?v=BJn79dy7Qew&t=0s>

DRAFT SUMMARY MINUTES

MEMBERS

Lainie Berry
Loyal Merhoff

Michelle Bogardus

Lisa Spain
Bob Reed

STAFF

Myrna N. Girald Pérez –
DOFAW

Kinsley McEachern –
DOFAW

Katherine Cullison –DOFAW

OTHERS

Dawn Huff – ICF
David Zippin – ICF
Torrey Edell – ICF

Amy Defreese - USFWS

Aaron Nading - USFWS
Jinny Kim – USFWS
Leila Nagatani – USFWS

05.17.2023/8:59AM/0:0:0

ITEM 1. Call to order, announcements.

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

- Upcoming KIUC (Kaua‘i Island Utility Company) meeting scheduled for June 22 and 23, 2023, 9am to 1pm or 2pm.
- Other potential meeting dates to continue review and discussion of KIUC HCP (Habitat Conservation Plan) draft by ESRC members include the following dates (Kate will send Doodle poll):
 - August 29 - 31
 - September 1, 4 - 8, and 11 - 15
 - October 16 – 20
- Proposed the use of having standard monthly meetings for the rest of the year. Committee members will consult internally with DOFAW staff on setting a date. Kate or Myrna will reach out with options.

05.17.2023/9:14AM/0:15:15

ITEM 2. Approval of minutes from April 28, 2023 meeting

Loyal Merhoff suggested the following additional recommendation were included in the minutes for Items 3 and 4 of the April 28, 2023 meeting.

- Canine surveys and carcass retention trials should be implemented at the project sites.

05.17.2023/9:16 AM/0:17:13

MOTION

ESRC voted to approve with the amendment the summary draft meeting minutes, 5 yes-0 no.

05.17.2023/9:17 AM/0:18:00

ITEM 3.A. Participant presentations of Kauai Seabird Habitat Conservation Plan annual reports and discussion: NCL- presented by Lisa Bail. Committee may vote on recommended changes.

Lisa Bail presented, on behalf of NCL (Norwegian Cruise Line), an overview of the FY 2022 annual report from the Kaua‘i Seabird Habitat Conservation Plan (KSHCP).

Katherine Cullison presented, on behalf of DOFAW, the joint-agency comments/recommendations on NCL’s implementation of the KSHCP. The following are:

- Lighting
 - Include agency and/or KESRP (Kaua‘i Endangered Seabird Recovery Project) staff in lighting audits and conduct them by June to ensure time to implement minimization and order the necessary supplies or equipment.
 - Meet with agencies regarding color spectrum of lights. NCL has been replacing white light with blue, which contradicts current advice for seabirds. The agencies November letter states that the use of blue light is contraindicated by seabird biologists.
 - Implement lighting minimization March-December, to avoid further take of adult seabirds.

- Staff Training
 - Other KSHCP permittees saw significant improvement in staff awareness and search effort after training by the KESRP Coordinator, Dilek Sahin. For training in appropriate assessment and handling of seabirds, engage with the KESRP coordinator and or SOS manager to review appropriate procedures with the onboard environmental officer.
- Outreach
 - Agencies made aware of social media post of adult NESH (Newell's shearwater) on ship. Outreach to passengers should be year-round, to avoid an incident such as that in July, when an adult NESH was found and photo posted on facebook. NCL unable to provide additional information regarding incident after review of their security footage. Evident that more education outreach and protocols need to be conducted.
- Recovery of Downed Seabirds
 - Improve training of onboard Eos (environmental officers), with participation by KESRP, SOS (Save Our Shearwaters), and/or agency staff, to avoid excess distress to the birds and ensure appropriate handoff and reporting.
 - Request that each on-board EO, when initial email notification is made to the NCL biologist, include both agencies on that notification, so that we may assist if necessary and ensure to track any forthcoming report.
 - Include agencies for training on reporting, onboard staff should notify the agencies via email immediately (24 hours as noted in the Downed Wildlife Reporting Form Instructions). Follow-up reports (within 3 days) to include the necessary info (location on ship, nearby lighting, photos, etc.),
 - NCL to report all down wildlife, not just covered species (it's all an indication that minimization is effective) as well as to report all State and/or Federal Migratory Bird protected species.
 - Include a timeline of implementation for the changes noted by lighting audit.
 - All NCL ships need more minimization; lots birds brought down. Also need MUCH better response when bird is brought down. Must get them off the ship and into vet/rehab assessment within 24 hours, and under no circumstances are staff to release birds off the ship as suggested in previous documentation.
- Reporting
 - The onboard EOs send immediate notification of each downed bird to the NCL biologist and also to the appropriate vet and rehab contacts. In order for the agencies to accurately track intake and disposition, and be available to assist if needed, the agencies should be cc'd on those initial notifications as required in the KSHCP protocol, rather than passed on from the NCL biologist.
 - Include agencies for training on reporting, to ensure that the follow-up downed-wildlife reports include the necessary info (location on ship, nearby lighting, etc). NCL biologist to send follow-up on disposition of each bird.
 - NCL to report *all* downed wildlife, not just covered species (it's all an indication that minimization is effective) as well as reporting State and Federally protected species.
 - Provide accurate annual reports.

ESRC members provided the following additional recommendations:

- Crew should receive orientation/ search training year round or at least during the seabird season (talk to seabird biologists doing open water studies to determine best practice).
- Consider fate of SOS birds and how much credit is accurate: address take for adult BANP (Band-rumped storm petrel) individual and adult NESH individual to determine correct take value (consider possible incidental take of eggs, nest, chicks and not discount at .88).
- NCL biologists have a backup plan if they can't attend meetings during the upcoming seabird season.
- Norwegian Spirit implement extra hands and more care/attention taken (lighting minimization and enhance training and search and response) since ship will be here during fallout season/ peak times.
- More independent visual review for what happens near ships at night via video, etc., to determine how attractive the ships are to seabirds on the open ocean at night.
- May be appropriate for NCL to seek an amendment to their permit to add take of adults (need to discuss offline between agencies). Will depend on further minimization that gets them down to very small likelihood that take of adults will occur, but very possible that this recommendation will happen.

Break from 10:20 am to 10:26 am.

05.17.2023/10:27AM/1:28:04

MOTION

ESRC voted and approved NCL recommendations to ensure compliance

Laine Berry motions to approve the ESRC recommendations for NCL.

Loyal Merhoff seconds the motion.

Lainie Berry, Lisa Spain, Michelle Bogardus, and Loyal Merhoff voted yes.

Bob Reed abstained.

05.17.2023/10:30 AM/1:31:19

ITEM 3.B. Participant presentations of Kaua'i Seabird Habitat Conservation Plan annual reports and discussion: Sonesta Royal Kaua'i Resort- presented by Lisa Bail. Committee may vote on recommended changes.

Lisa Bail presented, on behalf of Sonesta, an overview of the FY 2022 annual report from the KSHCP.

Katherine Cullison presented, on behalf of DOFAW, the joint-agency comments/recommendations on Sonesta's implementation of the KSHCP. The following are:

- Lighting
 - Coordinate with Agencies to review lighting, including minimization for the tree lights visible from the beach as noted in this photo from May 2022, which may be one of the ones mentioned above that is to be turned off during honu hatching season and seabird fallout season. Please provide the dates that those actions are implemented.
- Predator Control
 - Conduct and document predator surveys as requested by the agencies in 2021 and 2022.
- Staff Training
 - Request KESRP or similar seabird group conduct hands-on walk-through searcher training.

- Request agencies meet with Sonesta staff prior to the season to update notification procedures, offer assistance, and discuss searching strategy
- Outreach
 - Install more information signage around the hotel, especially in the beach zone, to encourage guests to report downed seabirds and honu nest.
- Honu
 - Begin Honu monitoring no later than May 15, and implement specific training for staff responsible for turtle checks prior to May 15. Staff performing Honu (green turtle) checks should have a data sheet for prompting accuracy. Check beaches for turtle tracks daily throughout the turtle season. Confer with agencies to conduct an assessment for lights visible from the beach.
- Recovery of Downed Seabirds
 - Sonesta more than doubled their measured searcher efficiency from 17% to 40%. The assumed discovery rate in the Sonesta permit is 50%, which assumes both effective seabird searching and effective control of predators. For decoys reported, time to discovery average over 6 hours. In the searcher trials, none of the decoys placed after November 11 were found, despite half of them being deployed in open areas.
 - The agencies disagree with Sonesta's assessment that no adaptive management changes are triggered by the efficacy of self-monitoring. Sonesta must implement changes to further improve searcher efficiency, either by having dedicated search duties for specific staff, more search staff, canine searching or other method. It may be beneficial to offer a monetary incentive for finding birds and increase it during the season or change staff duties to avoid search fatigue as the season progresses. In addition, further hands-on training by KESRP or similar seabird group would be beneficial. Recommend coming up with a search method in the area looking to the sea, where there's vegetation right under guest rooms, and not skipping these parts.
 - Identify specific adaptive management actions to be implemented to improve searcher efficiency, and schedule a meeting with the agencies to review those actions by June 30
 - Searcher efficiency testing should be repeated. Sonesta should consult with agencies prior to contracting a third-party to conduct a new trial.
- Reporting
 - Sonesta's annual report has omitted take reports for both of the last two years. Provide accurate annual take reports Verify take reported in SOS and facility annual report. Provide downed-wildlife reports for all species.

ESRC members provided the following additional recommendations:

- Carcass retention recommended as well as a way to increase searcher efficiency.
- Recommendations should be time bound.
- Consider guest reward/ incentive program for finding downed birds but allow properties to act on their individual preference.

05.17.2023/11:14 AM/[2:15:55](#)

MOTION

ESRC voted and approved Sonesta Royal Kaua'i Resort recommendations to ensure compliance

Lainie Berry motions to vote to approve the ESRC recommendations for Sonesta Royal Kaua'i Resort. Loyal Merhoff seconds the motion.
Lainie Berry, Lisa Spain, Michelle Bogardus, and Loyal Merhoff voted yes.
Bob Reed abstained.

05.17.2023/11:16 AM/2:16:53

ITEM 3.C. Participant presentations of Kauai Seabird Habitat Conservation Plan annual reports and discussion: 1 Hotel Hanalei Bay (formerly Princeville Resort Kauai) - presented by Lisa Bail. Committee may vote on recommended changes.

Lisa Bail presented, on behalf of 1 Hotel Hanalei Bay, an overview of the FY 2022 annual report from the KSHCP.

Katherine Cullison presented, on behalf of DOFAW, the joint-agency comments/recommendations on 1 Hotel Hanalei Bay's implementation of the KSHCP. The following are:

- Lighting
 - Coordinate with the agencies to participate in the lighting audit, with sufficient time to implement recommended changes prior to fallout season
- Predator Control
 - Begin predator surveys and control at least 2 weeks prior to the start of season. Meet with agencies to ensure that the necessary data is being gathered to produce accurate reports that can be used to measure efficacy. Provide reports that contain sufficient information to evaluate efficacy as needed to support the discovery rate. This property, in order to support its extremely high discovery rate, needs to put significantly more effort into proving efficacy of their predator control.
- Staff Training
 - Provide the updated training presentations for our review when it becomes available. Please also coordinate with the agencies to conduct hands-on training for your seabird searchers or honu nesting activity monitoring
- Outreach
 - Provide outreach materials for review
- Honu
 - Provide Honu training and begin implementation by May 15
- Recovery of Downed Seabirds
 - Provide updated searcher training materials
 - Agencies to conduct site visit, observe lighting, meet with search staff, review expectations
 - Dilek Sahin (KESRP) can work with the search staff to show where and how to search for birds.
 - Searcher efficiency trials to be conducted during the 2023 seabird season.

ESRC members provided the following additional recommendations:

- Lighting audit to occur no later than end of June so adaptive management would be able to occur if anything was identified necessary to correct.
- Lighting planned sometime in advance of audit.
- Canine detection searches recommended.
- Share data sheets for predator control with ESRC ahead of implementing searches and surveys to

help revise prior to the season beginning.

- If there is an expected increase in occupancy, then this should be accounted for by a shift in projected lighting use.
- Add a timeline for when to expect materials for ESRC to review.
- Confirm search times to determine if they are in compliance.

05.17.2023/11:52 AM/02:53:29

MOTION

ESRC voted and approved 1 Hotel Hanalei Bay recommendations to ensure compliance

Lainie Berry motions to approve the ESRC recommendations for 1 Hotel Hanalei Bay.

Lisa Spain seconds the motion.

Lainie Berry, Michelle Bogardus, Loyal Merhoff, and Lisa Spain all voted yes.

Bob Reed abstained.

05.17.2023/11:54 AM/02:55:39

ITEM 4. Nomination of ESRC Chair and Vice Chair positions, vote for selection.

05.17.2023/12:11 PM/03:12:29

MOTION

Loyal Merhoff motions to nominate Lainie Berry (DLNR Representative) as Chair.

Michelle Bogardus seconds the motion.

Five members (Lainie Berry, Michelle Bogardus, Lisa Spain, Loyal Merhoff, and Bob Reed) vote to nominate Lainie Berry (DLNR Representative) as Chair.

05.17.2023/12:12 PM/03:13:46

MOTION

Michelle Bogardus motions to nominate Lisa Spain for Vice Chair.

Lainie Berry seconds the motion.

Four members (Lainie Berry, Michelle Bogardus, Lisa Spain, and Bob Reed) vote to nominate Lisa Spain for Vice Chair.

05.17.2023/12:13 PM/03:14:32

MOTION

Loyal Merhoff motions to nominate Kawika Winter for Vice Chair.

Lainie Berry seconds the motion.

Loyal Merhoff voted to nominate Kawika Winter for Vice Chair.

These nominations were confirmed in May 2023. The expectation is to do a re vote of the positions of Chair and Vice Chair in May 2024.

Lunch Break from 12:17 pm to 1:00 pm.

05.17.2023/1:06 PM/04:06:28

ITEM 5. Discuss KIUC Draft HCP Chapters 4,5,6 and collect committee comments, questions, feedback. KIUC will provide response in future meetings.

- How will this proposed HCP contribute to cumulative net benefit for take of ‘Ua‘u and ‘A‘o (ie., How will mitigation lead to an increase in population beyond negative impact, increasing number of viable breeding colonies, increasing genetic diversity, additional manner)?

- How can mitigation in the Hono O Nā Pali breeding region only but not in other breeding colonies equate to culminative net benefits for the species?
- Current HCP considers smaller predator proof fence that will only protect a few acres.
- HCP model is not useful and paints a picture of minimal take since it is divorced from biological reality (healthy breeding colonies need a certain critical mass to maintain population dynamics)
- Spend a day on monitoring and adaptive management. Given complexity of this project necessary to investigate monitoring success criteria and adaptive management and how they work together.
- See how agencies recommendations for HCP fit into plan for Newell's shearwaters (ie., strategies, goals, benefits, rationale for success, limitations to NW Kaua'i)
- How does the 50-year permit term meet the bio goals/objectives?
- Any options to meet the goals faster?
- Model annual projections of both take and benefit. Evaluation of trigger points regularly through the permit term.
- Agency consultation and analysis of new lights/lines.
- Need to discuss SOS offsets for seabirds and waterbirds.
- Why are total strikes used as a metric? Should be mortality / lost reproduction.
- How will the HCP adjust as new information becomes available-re: mortality?
- USFWS will present JCS.

05.17.2023/2:00 PM/[05:00:22](#)

Comments/ Questions from the Committee

- Loyal and DOFAW had a meeting with Kahuku in regards to the mitigation for bats- some point need to touch base with ESRC and put this discussion on the agenda.

05.17.2023/2:01 PM/[05:02:09](#)

ITEM 6. Adjournment