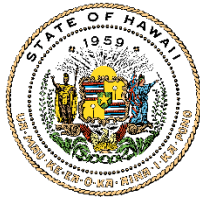


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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ENDANGERED SPECIES RECOVERY COMMITTEE (ESRC)
PUBLIC MEETING

DATE: March 31st, 2023
TIME: 9:00 AM
LOCATION: DLNR – DOFAW Main Conference
Kalanimoku Building 1151 Punchbowl St, Room #325.,
Honolulu, Hawai'i
Online via Zoom
Online Livestream via YouTube recorded at:
<https://www.youtube.com/live/3C7k312gQp4?si=HbJLCCrog9P5mvkh>
<https://www.youtube.com/live/BYMkJ4XGoaU?si=Z6MR9GyT094Xla6->

DRAFT SUMMARY MINUTES

MEMBERS

Lainie Berry
Loyal Merhoff

Robert (Bob) Reed
Jim Jacobi
Kawika Winter

Michelle Bogardus
Melissa Price

STAFF

Myrna N. Giraldo Pérez –
DOFAW

Kate Cullison –
DOFAW

Linda Chow –
DOFAW

OTHERS

Lisa Bail Esq –
NCL
Dilek Sahin –
KESRP
Jonny Shepherd –
KESRP

Mike Bellas –
Sheraton Kaua'i
Fred Cowell –
Kaua'i Coffee Company
Pat Porter- Kaua'i County

Lindsay Young –
PRC
Sean O'Keefe –
A & B
Gregory Spencer –
HT Harvey & Associates

03.31.23/09:03 am/ <https://youtu.be/3C7k312gOp4?t=13>

ITEM 1. Call to order, announcements

Lainie Berry (Division of Forestry and Wildlife; DOFAW) called the meeting to order. ESRC members introduced themselves.

First announcement: ESRC has to defer several items (4a, 4d, 4e, and 4f) since Reggie David, consultant, is unwell, and is not in attendance. Considered various discussions, staff agreed that the licensees would present when Reggie David is available.

Kawika Winter: Curious why they didn't send another representative?

Lisa Bail: We considered various opportunities. We made efforts to come up with various opportunities. At the end of the week staff decided it would be best to go forward when Reggie David is available. We will have a presentation when everyone is available to reschedule.

Kawika Winter: What are the requirements for reporting? Are there concerns for them not reporting today?

AG Linda Chow (Attorney General): KSHCP (Kaua'i Seabird Habitat Conservation Plan) submitted annual reports and the ESRC meeting is to review the annual reports. ESRC does have the annual reports and can review them, it is just the additional ability to ask questions and discuss the concerns that you have.

Kawika Winter: These items are on the agenda, so I want to discuss these issues.

AG Linda Chow: Legally you can go forward with the understanding they might not be able to respond.

Lisa Bail: The sole biologist is not available today. I feel my clients are at a disadvantage to not have the opportunity for the biologist to speak. I let staff know as soon as I knew he wouldn't be coming.

Kawika Winter: It is agendaized and I want to talk about it.

Melissa Price: Was the annual report submitted on time?

Lisa Bail: Annual report was submitted on time.

Kawika Winter: Am I the only member who wants to talk about this day or what do you guys think?

Lainie Berry: As a follow-up, the HCP (Habitat Conservation Plan) team is going to reschedule for April for those agenda items. We do plan to reschedule ASAP.

Kawika Winter: That helps but I say we keep it on the agenda.

Melissa Price: I concur, but I want to hear what Michelle says.

Michelle Bogardus: Concern is that over the last couple of meetings we were not provided a presentation or an adequate presentation and therefore not able to answer the questions that the committee posed. I

personally would wait to hear until we can have Reggie and can have our questions answered. I think that is where staff is leaning. I think Lisa offered to do a presentation.

Melissa Price: Would be important to discuss these greater, broader issues. This is the 2nd annual review in a row that things have not been delivered in a timely manner to the ESRC. I concur that it would be good to leave it on so we can discuss the issues we are seeing.

Lainie Berry: Is it ok to have this discussion?

AG Linda Chow: Yes. To discuss what might be on the agenda or deferred it is ok to discuss this.

Lisa Bail: This was an unexpected health emergency. I did offer to give presentations, but I was notified it was taken off the agenda. We submitted annual reports for NCL (Norwegian Cruise Line), 1 Hotel Hanalei, Sonesta Royal Kaua'i Resort, on time last year and this year. Reggie David has a significant medical situation and cannot be here. I would be concerned about due process.

Kawika Winter: I still see it on the agenda; to my knowledge, it has not been removed.

Robert Reed: Question is will postponing have expected conservation consequences and effects on the efficacy of the plan?

Kawika Winter: Company has representation. We can discuss concerns among the ESRC.

Kate Cullison: In the interest of respecting the other participants' times who were told the other items were removed, I would like to move forward with the agenda items that are ready. And then we can go ahead with the remaining agenda items that were told to be on the next meeting. That could be helpful, it will not be a back-and-forth discussion, but would be the committee giving feedback.

Melissa and Kawika: Fine with that.

Lainie Berry: We will start with items 2, 3, 4:b, c, g, and h, and then we will go to 4:a, d, e, and f.

Loyal Merhoff: What is the official agenda?

AG Linda Chow: The agenda posted is the correct agenda. Lainie was recommending deferring items, but now we hear the ESRC wants to make comments on these.

Loyal Merhoff: So they will be deferred?

AG Linda Chow: They will not be deferred. They will be taken up for purposes of the ESRC discussion and then will schedule a subsequent meeting in which the consultant can speak.

Mike Bellas: Speaking on behalf of Sheraton Kaua'i. On Wednesday March 29th, Lisa Bail and myself received an email from Kate Cullison, DOFAW, stating they agreed with the request to defer the items but that the ESRC will be meeting regarding the other agenda items. Having relied on to this to our detriment, I understood this to be an official statement by the ESRC and that these items would be deferred and no action would be taken and it would be rescheduled for a future date.

Kawika Winter: Does staff have the ability to do that?

AG Linda Chow: That was done in consultation with Lainie. The ESRC job is to review annual reports under Chapter 195D. It is appropriate to take them up under this meeting.

Loyal Merhoff: Under Sunshine law/ state law I want to make sure we are doing what is correct. Some people think some agenda items are taken off and others don't think it's taken off. Can the public comment on these since they may not know they are deferred?

AG Linda Chow: Officially they are still on the agenda. They have not been taken off the agenda unless it is done in advance with appropriate notice or done at the meeting when the items are specifically deferred. To take it up at this meeting is still appropriate under sunshine law.

Lainie Berry: The question is, are we deferring or not?

AG Linda Chow: I hear that the ESRC does not want to defer. They want to have a later meeting with the permittees to have a further discussion, but they do not want to defer the items from the agenda.

Kawika Winter: I want to follow the agenda as posted.

Lisa Bail: States on the record her objection due to due process ground. We were told that the agenda item was removed, without biologist present to moving forward. Think that this is prejudiciary and unfair, want to wait to proceed until consultant is present and can present the work as the biologist.

AG Linda Chow: You will be given that opportunity at a later date.

Mike Bellows: Echoes the sentiments of Lisa Bail. Object to the proceedings for reasons that he stated previously.

Lainie Berry: Wants to go forward with comments with an understanding that we will schedule another meeting in the future in which the client can be available for questions and response. Also, another announcement : keep an eye out; we will be scheduling a KIUC (Kaua'i Island Utility Company) meeting in April, so look out for a doodle poll for scheduling this.

03.31.23/ 9:22 am/ <https://youtu.be/3C7k312gQp4?t=1372>

ITEM 2. Presentation by Pacific Rim Conservation on the status of mitigation activities at Kahuama'a Seabird Recovery site and HCP administration

Pacific Rim Conservation is the primary group to do mitigation for KSHCP

- 8 consolidated objectives
 - Construction of a 2 hectare (ha) predator-proof fence (completed in 2021)
 - Installation of social attraction equipment
 - Eradication of predators from within enclosure
 - Monitoring for predator incursions within the enclosure
 - Predator removal in greater area
 - Invasive plant control
 - Monitoring of the covered seabirds
 - Monitoring of listed species – plants, forest birds, etc (acoustic and ground surveys)

This HCP runs for a total of 30 years.

- 2020-2021: startup phase (years 1 and 2)
- 2022-2025: maintenance phase
- Pacific Rim Conservation is contracted as prime contractor and they are on a 5-year period.

Status: sounds system and predator exclusion fence infrastructure completed; outplanting concentrated at the beginning of the time period.

- Parcel designated into two separate areas, plant area and seabird site.
- Fence maintenance: skirt maintenance issues since feral ungulates digging and raising skirt up and that has led to rodent incursion.
- Cementing skirt down: cut sod and use vegetation to secure it down, exclude ungulates (have mini enclosures on outside of skirt and manually excluding ungulates, mostly pigs).

Auditory surveys: done from May – August per HCP guidelines (after sunset and 2 hours before sunrise)

- 32 auditory surveys and burrow checks done in 2022
- All three covered seabirds species detected in the area; none detected during ground searches (not yet)
- Calibrating surveys mechanisms this year: Newell's Shearwaters are much closer than we expected – using the sound system – 1500 m out from sound system right over the slope
- Closer to a dense colony is a good thing historically but also too close to a dense colony could lessen chances of drawing birds in since the birds will prefer the natural colony (much more attractive); sound system can't mimic the call rate like a natural colony
 - Minimum distance from source colonies for it to be effective***
- No birds on ground- the way they are going to get them is through social attraction
- 100 artificial burrows installed-speakers mounted that broadcast call and trail cameras mounted (all immediately within the flyway)
- Newell's fledgling was detected outside of the fence as fledgling was attempting to climb fence to take off – appears to be from surrounding area (went to SOS [Save Our Shearwaters] and released uninjured)

Predator Control:

- Mice removed in April
 - Right around then detected a lot of Polynesian rats
 - Long period of time without rodents
 - Because of skirt issue- there could have been rats that got in and started breeding
 - Deployed tracking tunnels
 - Not been detecting them – at low level- close to getting them out of there
 - 32 trapping stations which are paired with remotely accessible cameras
 - Predator control outside of the fence – to eliminate rats that get to bait in other traps
- 10 Barn Owls were removed (immediately outside of fence) – average to what they would expect in the area

Biological objectives:

Fence- completed June 2021

- Predators removed from the fence enclosure: mice and cats have been removed, several rats remain after a re-invasion in late 2022
- Ground activity by covered seabirds- not yet complete
- Breeding activity by covered seabirds- not yet complete

- Cumulative upward trend in covered seabird breeding documented- not yet complete
- Maintain high quality seabird habitat at the mitigation site by removing habitat modifying invasive plants in year 1 and annually-underway
- Protect nesting birds inside fence by implementing predator control- underway
- Annual protection of any honu (green turtle) nests adjacent to facilities – completed

Minimization compliance summary:

- Lighting- including deactivating non-essential lights, install motion detectors for lights, point lights down and to align with moon cycle, etc
- Predator control - 25/47 of those properties did predator control in 2022 (47/194 required to do predator control)
- City and county of Kaua'i: increase number of trap nights and submitting documents to be in compliance: reduce the lighting is needed to get in compliance

Training and outreach:

- 3,448 staff and workers were trained on monitoring and response of downed seabirds in 2022

Take monitoring effectiveness: detailed map of properties, description for training, search methods and timing and record keeping

- Large increase of birds found this year- a lot of reports were not submitted on time by licensees
- Reported on overall take reports: vast majority – Newell's Shearwaters
- Even though there was a large increase in downed birds from previous year
 - Live release were vast majority
- Seabird fallout aligned with new moon- this was the peak
- Total permitted Seabird Take Calculated in Participants' PIPs over 30 years and presented on calculated seabird take

Financial:

- KSHCP operating account and financial report: NFWF does federal or state fiscal reporting but this project operates on calendar period
- Future anticipated costs for Pacific Rim Conservation (PRC)- 2 people on the project and need for rented space- projected increases for this project are anticipated

Robert Reed had to leave- Jim Jacobi substituting in as USGS Representative

Questions and Comments from the ESRC members:

Melissa Price: Social attraction: described as a failure or low response rate...thinking of KIUC and how important that social attraction is / proximity to other colonies, newly constructed and such. How we might take the lessons learned from these and anticipate those for future ones. What is the solution for not producing enough birds?

- Lindsay Young: Not a failure- still too early to have birds on the ground. If by years 4 or 5 we don't get birds, we should get concerned about that and determine what we want to do as a group to overcome that. For social attraction; minimum (don't want to compete from natural colony) and maximum (not further than 25 m) distance to other colonies is important to consider. There are 3 existing social attraction sites that are presumably drawing birds- not creating birds and moving them ideally into protected areas: maximum benefit then a lot of diminishing returns

(pulling from finite pools of source colonies in area). If social attraction doesn't work- there are changed circumstances in this document: like predator control at other colonies and translocation to generate birds to offset the take.

Melissa Price: What is the difference in reproductive success inside versus outside of the fence?

- Lindsay Young: No management or predator control: reproductive success can be as low as 15% to 30-40%. Average reproductive success is 60% for managed areas. 80% is the very upper level. I use the mid point of upper level range for managed area as the perceived value (not going to achieve highest level of outcome every year- aim for the middle).

Loyal Merhoff: So, if you have an area with a fence versus no fence but active control of predators what is the difference in reproductive success?

- Lindsay Young: The answer is it totally depends on area. Lānaihale- achieving 80% reproductive success. There is a proportion of eggs that don't hatch and a proportion of chicks who don't fledge....reproductive success is on both of them. The answer is it is dependent on predator control.

Jim Jacobi: In terms of number of birds produced, it would just be the difference in productivity in managed versus unmanaged areas? Is that correct?

- Lindsay Young: Two different ways to look at that based on how you outline your objectives. Either the number of birds or change in reproductive success – depends on HCP and how it is written.

Melissa Price: I am hearing to keep an eye on how the HCP is written and what is actually an increase in reproductive success (not just a bird that moved over) that is offsetting loss is what we should be focusing on? Replacing the loss.

Michelle Bogardus: Related to the social attraction-there are clear adaptive management triggers and responses to assess where we are in the timeline of social attraction- sounds like none of the triggers have been met and that will be assessed and any deficiencies that would be needed to be addressed would happen appropriately under that adaptive management strategy.

- Lindsay Young: Yes that's correct. Year 4 which would be next year is where we would see that....We are in year 3 ...From the bird's perspective it is really year 2 in terms of social attraction, since we waited until the fence was completed. Different participant groups- project. Related to this and what is happening on Kaua'i- this project is not happening in a vacuum- still same landscape and still same species.

Kawika Winter: Table 10 from the final report where it says 'report submitted on time' and a bunch of no's. There historically has a lot of difficulties to have permittees to be fully cooperative with the process. DOFAW staff/ Linda: are there any ramifications for not following timelines? Like a potential violation of permit- if timelines are firmly set out in permit- could they be found to be in violation of their permit? What is the process by which we would determine that?

- AG Linda Chow: Could be violation of permit if timeline is indicated in permit. There are no rules that cover this right now. DOFAW staff would bring up a recommendation to ESRC then ESRC brings it to BLNR to decide since they issue a permit.

Lindsay Young: Is there a reason why the permittees have a meeting in March/April ESRC meeting- is that tied to a specific regulation?

- Lisa Bail: HCP staff submit it to leg report. Permittees to submit reports by January 15th and have meeting in March – and my permittees did this on time.
- Kate Cullison: Other HCPs turn in reports much later. There might be adaptive management that would need to occur prior to seabird season: get reports as soon as the season closes and allow them the time they would need to implement these changes: lighting modifications, contractors, etc-we want those things done prior to the next season. Annual review: (2 week window for HCP) have flexed that- within a month of that date.
- Lindsey Young: A lot of this falls on the holiday- the process that Pacific Rim does before ESRC involves going through 600 pages of material (2 weeks of time) if submitted February 1st- then goes back to permittees by February 14th- then they get comments and get back to February 28th deadline- quick deadline. But sounds like there is a specific timeline for DOFAW staff to implement changes prior to August.

Kawika Winter: If the ESRC formally communicates to the board that there is lack of compliance-what would that look like?

AG Linda Chow: Up to the board with recommendation from DOFAW and ESRC to see what course they could take to correct violation or if there should be penalty involved.

Kawika Winter: I think we should follow that course of action since this is very frustrating.

Lainie Berry: Would that be a voting item?

AG Linda Chow: Since it is not on the agenda today, it will have to be added to another meeting agenda.

Melissa Price: At the reviews we requested a 6-month update after the annual review since there were permittees outside of expectations. Want to note that in the context of this conversation.

Jim Jacobi: We had requested in future reviews (annual reports on agenda- make them voting items) so to make recommendations.

Kawika Winter: We requested that several times,

Michelle Bogardus: If there are things that can be jiggered with the timing to better support everyone then let's do that, would have to be an adaptive management.

AG Linda Chow: Could be amendment.

Lindsay Young: If we moved the participant group reporting deadline to February 1st and allowed PRC to submit reports to agencies and participant groups at same time this could help.

Lainie Berry: Reports should be coming directly from participants to agencies.

Kate Cullison: Have to consult the HCP but individual reports supposed to come to agencies but Lindsey does full report.

AG Linda Chow: What happens between Lindsay and permittees can be worked out between you all but you know what the agencies' preference is.

Kawika Winter: Would compliance issues be for individual permittees?

AG Linda Chow: Each participant has their own permit so it would be for the permittee that you wanted to fine that they are in violation.

Kawika Winter: Cumulative net benefit: are we achieving that?

- Lindsay Young: in terms of preserve can't answer yet- in terms of surrounding colonies- effective predator control- chosen at ingress areas at nesting areas, yes having a net benefit to the species, can't qualify and put a number on it.

Kawika Winter: Request for a polygon of impacts outside of fenceline.

Lindsay Young: Will produce to you all. Will make a note of that.

Melissa Price: Two sides to net benefit? Work at seabird colonies is the plus. Increase reproduction to outweigh the mortality due to take. But of the 50% that are not doing predator control-it is inadequate. How does this affect the calculations of take? How can you determine net benefit without accurately calculating take and the accurate assessment of the loss? The percentages they are asking for are pretty high- that the number detected are in fact the true number downed. If you are not doing predator control there is probably a high percentage difference between what you're detecting and what is actually downed at site.

- Lindsay Young: Kaua'i county is not meeting all the requirements but they have a lion's share of the work. I would say it does overestimate the positive impact and underestimate the negative (take).

Melissa Price: I want to note that I am very concerned that they are not meeting predator control requirements.

Jim Jacobi: It is a question about take monitoring. Predator controls offset predators that reduce ability to find take. I am very concerned about searcher efficiency and would like to see it beefed up and consider having a third party random check to occur (third party monitoring would be best). Working with decoy is one thing but working with birds is the other thing. Really hard to find a lot of the birds, especially when they scurry away.

Michelle Bogardus: Searcher action in combination with predator control (searcher efficiency)- leading to the same detectability as the same time that take was originally calculated. Doesn't need to be beefed up every time but make sure that have same assumptions made at the time of the take estimate. There has been some progress, but I don't know if we have that for everyone yet, a detectability and increase in detectability that would make us more comfortable.

Kawika Winter: I would agree with that and see even more reason to have noncompliance for these licensees

Melissa Price: Follow up, review of minutes and follow up of items as needed, next time we meet identify this in agenda: look at minutes, here are the action items, here is what we have done. So the comments that we continuously make don't have to be made again.

Lainie Berry: Yes; we are taking note of this – follow up meeting in April will have minutes and agenda items that you requested but feel free to identify by email.

Michelle Bogardus: Kate, did the letters that agencies sent to licensees get sunshine and could they be available to the ESRC members?

- Kate Cullison: yes

Michelle Bogardus: A summary of agencies concern is expressed in letters.

Melissa Price: Still important to identify issues in minutes and have that as an agenda item on the next meeting- close loop and not waste our (ESRC) time.

Melissa Price: Legal aspects of going over budget as Pacific Rim spoke to and what needs to happen, remind the ESRC if someone is going over budget what needs to happen?

- Lisa Bail: NCL has a contract with PRC. Change order provision in that contract- dialogue to engage in to change the contract.
- AG Linda Chow: Prime contractor and permittee- exchange issuance between them.
- Lindsay Young: I just received offline message about office space- that could be alleviated- continue to investigate and there is room to work with this

Loyal Merhoff: On the actual site, the plant site that was expanded to incorporate seabirds- what has been the response for T & E plant species?

- Lindsay Young: We are partnered with state to manage this land. It is not specifically part of this project to monitor reproductive success for T & E species outside of the seabirds. We have an agreement with DOFAW. It is a clearly delineated agreement to not trample T & E species and vice versa. We provide a net positive impact for the plant species– removing invasive weeds that are spreading out.

Loyal Merhoff: One suggestion would be to work with DOFAW to do outside fence pig control

- Lindsey Young: We are doing pig control. We trap right along the fence- we have been doing pig control.

Lainie Berry: Mentioned the cat approaching the trap; mentioned cat cameras and good nature traps and was confused about that.

- Lindsey Young: We have a trapline and remotely transmitting cameras to detect if rat has gone in and rendered the cat traps immobile. Rat traps are there to limit the rats from messing with the cat traps. We have some cameras to do cat trap monitoring. Combination of both monitoring.

Lainie Berry: You talked about rat monitoring: are you using tracking tunnels for that?

- Lindsay Young: Yes, we are using tracking tunnels as passive monitoring within the fence.

Lainie Berry: We have learned that those monitoring tools of tracking tunnels might not be as effective: consider using a combination of both tunnels and cameras inside fence and outside.

- Lindsey Young: We do have cameras inside fence and do check them for rodents. It is a built in double system.

Lainie Berry: Question about unknown shearwater: NCL: identified as a Newell shearwater (approximation of date and unknown status)

- Lindsay Young: Bird reported on social media: was identified as Newell shearwater- unable to be located, approximation of date and unknown status.
- Lisa Bail: Was not reported to NCL right away; bird was posted on social media and we were not aware until hearing it from the agencies – did include in take account. Did not report it since all they had was photo and no additional data about bird about where it was found.

Lainie Berry: Can you please avoid the use of the four-letter acronym; use preferably both Hawaiian and English names.

- Lindsay Young: Yes, we can do that to make sure it is consistent in the future.

Public: No comments or questions.

03.31.2023/ 10:47 am/<https://youtu.be/3C7k312gOp4?t=6445>

ITEM 3. Presentation by Kaua‘i Endangered Seabird Recovery Project on the 2022 Searcher Efficiency validation decoy trials

Searcher efficiency trials were designed to test PIP (participant inclusion plan) estimated discovery rates.

- Help inform adaptive management strategies that properly assess future take, and test efficacy that minimization measures or changes to property searches are contributing to intended outcome

Doing this at Royal Sonesta and Sheraton where properties had low discovery rates:

- (5% and 17% respectively): low compared to other properties
- Asked to reevaluate as they amplified practices

Deploy decoys throughout fall out season: due to delays weren't able to start until first week of October

- Deployed between 30 minutes and 2 hours after sunset
- Decoys retrieved starting 40 minutes before sunrise
- Randomize as many factors to reduce experimental biases from both participants and researchers
- Partial versus full cover (determine difficulty to find)
- AM reporting cut off time was moved forward from 30 minutes to 40 minutes prior to sunrise
- Midnight deployment was eliminated

- Stratified random deployment schedule: to replicate the fluctuation in fallout intensity throughout the season
 - Helps reduce randomization extremes

Training – pre-season training:

- Presentations to both participants before trials began: seabird ID, best practices, and walk around to point out areas that might require additional searching

Measuring discovery rate:

- Found within the reporting time?
- And time to discovery-how quickly was decoy found?

Adaptive Management: Royal Sonesta

- Increased vegetation removal, internal training to security staff, infrared scope used
- Incentive program for staff, 365 staff responsible, dedicated crew from security staff

Royal Sonesta Results:

- Royal Sonesta: 42 % discovery rate
- 3/8 decoys found during first dedicated search of night even those that were found were found with a long time on ground)
- Average 382 minutes discovery time
- Open cover: almost 5 hours
- Under cover (almost 10 hours)
- Improvement from 17% discovery rate to 42%
- Time to discovery increased
- Decoys around high activity areas were being found
- Highlight needs to have multiple searches in the nighttime so as not to miss birds that came down in night at different times
- No decoys were found after November 11th which could illustrate that complacency is happening

Questions and Comments from the ESRC members:

Loyal Merhoff: Do you have estimates of percentages of different cover types on the property?

- Jonny Shepherd: No, we were not looking at that detailed of a breakdown of those cover types. Were not able to deploy in certain areas- pool, tops of buildings, etc. due to logistics

Jim Jacobi: Estimated discovery rate: do you think your results are truly representative of what the discovery rates might be on the property? Is this a reasonable approximation?

- KESRP: It is with a lot of caveats: randomization where points fall can influence discovery rates based on the likelihood of discovery in those areas. The results do show increased awareness and increased searcher efficiency of birds. Small sample size and only 2-year study- need to repeat with larger sample size. Many factors contributing to searcher efficiency: changes depend on staff, depends on training, motivation, incentive programs, and varies within the season and year to year, very difficult to make a clear conclusion, but seemed like effort changed in November. Things can

be measured, but the only conclusion we can draw is to repeat this periodically: number that we come up with should not be assumed to be the right number.

Jim Jacobi: In respect to the experimental design, could you increase the number up to 20 birds? Would that not give you a better idea of recovery rate and get rid of small sample size?

- Dilek Sahin: Agrees that increasing the sample size is important-the numbers found is limiting. We had a discussion with ARC (Archipelago Research and Conservation) – we are not sure if putting 50 birds is realistic of number of birds that would be coming down in the season. We started late this year due to logistic problems- think that the methods have been developed now and so if this is to be repeated- there are more chances to increase sample size etc. We have much more experience now.

Jim Jacobi: Do we really need to replicate realistic examples of what a downed season looks like? It does not have to replicate what is coming down in real life. With the results that you have, is there any attempt to change the take calculation based on the results from the SEEF or being pegged at 50% discovery?

- Lisa Bail: We did submit a letter regarding this study. Live birds have odor, movement, and defecation (paved environment at resort) which could help indicate bird is nearby. There are different search techniques that they have done this year to increase searcher efficiency. Thinking infrared scopes would this help the searchers. Infrared helped them with predator control; don't have conclusive evidence but rather have anecdotal evidence (not finding the birds with the infrared scopes) since finding birds near light source. This study does have their full attention and Sonesta can go into more detail later about the things we did to change searcher efficiency. We look forward to working with agencies. The take calculation was devised by the agencies and if there is a change for it, that would be initiated by the agencies.
- Paul: The question was are we going to use decoys in the future that the infrared are going to be able to pick up. Decoys and live birds are two different aspects with infrared. We have guests that will be able to identify the live birds that are out there much sooner than a decoy and that would increase our searcher efficiency. They are less likely to bring decoys as opposed to live birds.

Lainie Berry: Concerned about your reliance on guests to increase your searcher efficiency and to meet your obligations.

- Lisa Bail: Permit requires us to educate the guests about seabirds. We don't want to encourage untrained people to go out looking for birds. We have trained staff to respond. We ask that they alert the staff if they find a bird.

Melissa Price: Important to note that with small sample sizes there is a possibility to be within a margin of error. I am not seeing statistics which is needed. How representative of this is representative of searcher efficiency. The decoy test are a minimal check on visual check – don't take into account at all the number of animals that would disappear with predators. At a number of sites– there is no predator control or not adequate predator control that is taking place, and then you see these low searcher efficiencies. The combination of low searcher efficiency and low predator control is very concerning. The fact that there are decoys that are not found is very concerning- opportunity for discovery is super high when they are not live birds. Highlight the need for search dogs like used at wind farms.

Presentation continued:

Sheraton: Adaptive management changes:

- Related to search protocols: twice daily (4-5 people) searches
- Also introduced an incentives program for staff and members of public

Sheraton Results:

- Average discovery rate: 65%
- 9/10 decoys found in open coverage
- 4/10 found in cover (partial coverage)
- Average time to discovery for all decoys was 76 minutes
 - Cover -2 hours
 - Open-55 minutes
- 12/13 of the found decoys were found by the dedicated search of the night
 - Many found well before that time frame
- Searcher efficiency improved from 5% to 65%
- Highlights that there is actual searching going on this year
- Decoys that were missed were on peripheral of property- need to focus throughout outside of the lights
- Focus on increasing searches in covered areas
- Time to discovery is important especially for decoys as they cannot hide themselves like a real bird can
- Repeating trials would be helpful

Questions and Comments from the ESRC members:

Melissa Price: Incentive program great idea.

Lainie Berry: Is the incentive program for finding live birds and decoys just during searcher efficiency trials or going to continue into the future?

- Mike Bellas: Our incentive program issue has not been discussed. Has been done at the urging of the General Manger. We have had several guests comment on the placards and incentive programs. We had many people not just kids but also adults excited and involved. To have the discovery rate increase in the efficacy trials, underscores the commitment of the Sheraton. I have seen the government and private entity collaboration working. This training has been helping motivate the hotel to be successful. This has increased awareness to preserve and protect endangered species. I am proud of what has been accomplished. I believe that with the success this year that the incentive program will continue next year. We have a commitment to improve what we have seen initially.

Lainie Berry: Happy to see this incentives program is working. Concerned that this percentage could be anomaly if incentive program ends in the future. Are there star performers that find the birds?

- Jonny Shepherd: One specific person found 3 decoys and 2 live birds

Melissa Price: Comparison from this year to last year- guard against sliding standard. Because even though they exceeded abysmal numbers from beginning that doesn't reflect the requirements of the

HCP. This is a low bar which is still not meeting HCP and is not including predator control so we shouldn't give the benefit of the 50% finding rates

- Dilek Sahin: Discovery rates: 40% and 60% - still not high and not combined with predator control. I second that.

Michelle Bogardus: Important to know what was the assumption in permit that take estimation was made? What is the current discovery rate and what is it relative to permit? I appreciate permittees working with adaptive management to get their discovery rate to 50% - needs to be an every year thing – going to have turnover – need to have management to maintain discovery rate that is consistent with permits.

Jim Jacobi: This study is extremely valuable and should be a part of the ongoing practice to keep up with effectiveness of discovery. Is there a recalculation of take amount based on these searcher efficiencies? I think for many of these, these percentages are an overestimate. For the discovery rate: beyond the estimated time that they would seek cover and the bird would disappear should that discovery's weight be decreased for those respective decoy recoveries, recalculated to take this into account.

Loyal Merhoff: Kudos to this study and changes at the hotels. Take and get a handle on that: made assumptions that we will and get this exact amount and do predator control and that its effective. We have made assumptions and haven't determine the truth behind this. Imperative for agencies to do effectiveness surveys. Come up with a carcass retention study: do this for the properties – in addition to doing key searches with canine across properties and see if there is a big difference. Agencies should be utilizing CARE and SEEF across properties. Right now, there are surrogates for reducing take without proper metrics to inform take as it really is.

Loyal Merhoff: For the Sheraton the difference between the fall out areas between Wedgies and Newell's – is there a difference between lighting?

- Jonny Shepherd: Yes, there are different lights around pool versus general streetlights. Hard to compare those since they are different colors of light and different intensities. I don't know if there are behavioral differences between species. It could have been one odd year. The area where the Newell's fell out was near beach, pool, and restaurants.

Loyal Merhoff: If the future shows there is a massive difference between open versus covered areas, it would be important to do a better job calculating percentages for open/ covered areas the unsearched to come up with a better take estimate.

Michelle Bogardus: Adaptive management is very critical. Urge permittees to look at gaps, what worked and what didn't. To look at Covered parts that do have lights and no predator control to identify and address before fallout season. It will need work – doesn't happen quickly – takes time. I continue to encourage permittees to spend time on this now and coordinate with agencies in preparation for fallout season.

Lainie Berry: Fallout birds found in particular areas could be biased due to more heavily traffic and people being around- just because birds are found in the more heavily populated areas doesn't mean they are not in the other areas. There is a significant bias for where birds are found versus where they could be found.

Loyal Merhoff: Agencies should be looking at HCP assumptions made in respect to take (SOS releases and survivorship) as you get full blown searcher efficiency studies and carcass retention and canine assisted searches and aspects of what happens to birds when they hit the ground should be ongoing. The first thing should be SOS then others can follow. Permittees can make a big difference depending on what they do. That is appreciated.

- Lainie Berry: We will discuss internally and get back to you.

Public: no comments or questions from the public

Request for action items:

- Are the agencies going to reevaluate take based on current discovery rates?
- Are the agencies going to reevaluate take based on SOS mortality rates for released birds?
 - Other concepts/ factors are important but may need to lay out how you want to do that

LUNCH

03.31.23/ 1:00 pm <https://youtu.be/BYMkJ4XGoaU?t=7>

ITEM 4.B. Participant presentations of annual reports, request for committee comments – Kaua‘I Coffee

- 1 NESH found alive and released through SOS
- Total take since permit issuance: 1 NESH
- Group searches over designated areas than previous individual searches- greater discovery
- Started predator surveying earlier in year
- Improvements to lighting: sensor activated exterior lights, infrared searches

Loyal Merhoff: Have you noticed changes in pigs from prior to now?

Fred Cowell: Pig increase with rapid weed growth and dampening of soil: pigs not causing damage, less of a pig problem nearby.

Lainie Berry: Question about search time period?

- Fred Cowell: Searching up to 3 hours after sunset and just prior to sunrise-modified it since don't have shifts available. With fall out season we have harvest so 6 am onwards close to sunrise have people searching.

Lainie Berry: You need to be doing searches before dawn.

Melissa Price: What is your predator control protocol?

- Fred Cowell: Trapping and removing throughout bird season and as we approach it

Melissa Price: Predator control efficacy is important: traps and observations. Predator removal is important part of improving searcher efficiency. Cats are constantly moving into an area from outside thus predator control structured well is very important. What are your numbers for predator trapping? How many cats are you trapping per month?

- Fred Cowell: Approximately 4 or 5 cats per month- August to December. Trapping was not done continuously – there was a gap in October

Lainie Berry: Please go over permit terms, methods and make sure everything is being done to maximum effort. Those numbers -given that number of cats in area- want to make sure you are trapping (17 cats) looks like there is an issue with people feeding cats.

- Fred Cowell: There is a residence on the property and people feeding their own cats.

Melissa Price: Determine how many cats are there, how many were removed, how many remain and their impact. What is being done for detection of predators for future years for applicants? Handheld infrared scanners work well.

Lainie Berry: Can you tell us about what kind of seabird training is happening?

- Fred Cowell: Training is completed in September, full extent of seabird and search training is a part of that. I am intrigued by incentive program. The ability to shut down all exterior lights would make a huge difference. We don't have a large number of people walking around or foot traffic so that's why we are trying to train. The lessons we learned from searcher efficiency we have changed from an individual searching a route.

Lainie Berry: I want to reiterate, please work with the agencies to go over the lessons learned, especially for the predator control, monitoring, as well as making sure everything is in compliance with permit terms.

03.31.2023/1:16 pm/ <https://youtu.be/BYMkJ4XGoaU?t=954>

ITEM 4C. Participant presentations of annual reports, request for committee comments - Alexander & Baldwin

Sean O'Keefe: In regards to the milicamp near Kaua'i coffee, A & B has jurisdiction over it, an easement with new land owner, obligation to remove the camp, occupants who are retirees are gone as of earlier this year, and remaining occupants (farmers for Kauai coffee) will be gone next week, some residences used to have cats , problems with cats and seabirds by seabird season will be mitigated by next season.

ITL license and permit: 2020, expires in 2050

- Kukui'ula development and McBryde Resources facilities were sold prior to 2022 and are no longer covered
- One of two Port Allen South Parcels (where fertilizer plant/ brewer is) was sold in 2023 and will no longer be covered
- Authorized Take: 30-year permit term: 184 Newell's Shearwater, 6 Hawaiian Petrel and 2 band-rumped storm petrel
- Abnormally high seabird fallout that occurred in 2022
- Reflected in amount of fallout that happened on property
- 8 birds found at A & B facilities in 2022: four live birds found at Port Allen found by search teams- 3/4 found on parcels that currently have no lights, so surrounding lights are influencing fall out to

degree. The fourth bird of these escaped capture and went into fertilizer fatality. Since not recovered- counted as a fatality

- One live bird was reported found by others at an A & B Port Allen facility
- One live bird and one dead bird (in landscape border with Kaumuali'i Highway)
- One live bird found by A & B searchers at Longs Drugs
- Take since permit issuance: uncharacteristically high in 2022
- Port Allen has most fall out of sites- surrounding facilities and location in path that birds take to get out to sea
- One observed fatality at A & B fatalities, An additional 13.08 fatalities are assumed pursuant to KSHCP protocols – total of 14.08 lethal takes for Newell's Shearwater

Seabird searches:

- Twice nightly searches
- Didn't miss any in 2022: might have to exclude from time to time due to accessibility or trespasser issues; conducted by Kaua'i Community Science Center; they are motivated to provide effective searches of our Port Allen facilities
- Major change in search program this year: use of security staff to conduct searches was discontinued; predator control contractor did searches at all three of properties, and landscaping contractor are also helping to do dedicated searches to supplement the remaining search needs

Lighting:

- Lighting at Port Allen Steel Warehouse, catering preparations with lights on in building at night, identifying a solution to the lighting of semi opaque fiberglass panels on the roof and siding that allows light to escape
- Further improvements to the lighting at the Port Allen Marina Center and efforts to bring new management staff up to speed as part of the 2023 training effort

Seabird predator control update:

- No substantive changes: plan updated to reflect what they are already doing; surveys at beginning and end of season – we were doing them but now they are documented
- Predator control efforts: 1,106 trap nights at all facilities
- Different time throughout season surveys: indicated very low predator counts except for Waipouli Town Center
- Based on nightly search data significant reductions in predator counts were achieved at different sites over the course of the season
- 42% of cats caught before start of season
- Have issue with Waipouli Town Center with the cat colony – snap shot surveys- 8-10 to 4 predators; predator numbers fluctuate greatly with proximity to the colony feeding time
- An abundance of feral chickens at Port Allen impacted the availability of traps for catching predators- set off cat traps (highlight need for separate chicken control in off season)

Training and outreach:

- Provided to 46 personnel in 2022 and other outreach conducted as normal
- Training will be augmented in 2023 to improve record keeping practices by search teams
- Outreach in 2023 will be expanded to request specific lighting improvements at certain tenant-owned facilities and to implement protocols for after hours access

Changes:

- Some log-keeping improvements are needed in regard to predators
- Protocols need to be implemented to ensure searchers have appropriate access; improvements to lighting at town center and port allen gravel parking lots as well as TSAK lighting improvements planned for 2023
- A & B will be reaching out to tenants to make sure they make changes to their tenant-owned improvements prior to the 2023 season (Longs on top of list)
- Port Allen South Parcel no longer covered since it was sold
- Consideration given to expanding KSHCP coverage at 'The Shops at Kukui'ula' to include an unpaved employee parking area
- Active cat colony continues to operate immediately adjacent to town center and appears to be growing

Questions and Comments from the ESRC members:

Loyal Merhoff: The sale of your properties, how will that affect your seabird take?

- Sean O'Keefe: When we previously sold parts of our properties there was no impact since the properties didn't have take. When we terminated the coverage we kept a token bird in the permit coverage even though we didn't expect to have an effect. When we sell a parcel we let the buyer know that we are part of the KSHCP in case they want to participate. Sites that we mentioned thus far and port allen solar farm – none of those buyers considered participating in KSHCP. Another property sold a year or so ago and there is another sale pending at Port Allen which can affect the situation. When undeveloped properties get developed they become lit properties and that can be a problem.

Lainie Berry: Who owns the property in which the cat colony is located?

- Sean O'Keefe: That is Kaua'i county owned drainage ditch.

Melissa Price: How were the properties selected who were going to have the decoy tests and what is the possibility for third party checks? Very grateful for the checks on predator controls. We want to learn what can be improved overall to mitigate impacts.

- Sean O'Keefe: The properties where decoy tests occurred this year were selected based on low searcher efficiency last year.

Melissa Price: I think it would be helpful to have a better feel for the options for third party checks across properties regarding predator control.

Michelle Bogardus: Agencies can discuss- this is labor intensive; bodies are the limiting factor.

Jim Jacobi: Using third parties to do a random check to determine permittees' effectiveness and what was described earlier would be helpful.

- Sean O'Keefe: The predator control contractor had an internal monitoring program to ensure staff were doing the searches. We were encouraged that on their own volition the contractor was meeting a standard that they were promising. Shows the validity of picking the right contractor.

Jim Jacobi: Would be useful to have their information for the predator control – reasons documenting behind predator control

Michelle Bogardus: Predator control details not required in HCP but helpful to assist with adaptive management: valuable

Jim Jacobi: Explore this more- shift from employees to canine searches, consistency for the sites, may be challenges for canine searches but important to get more confidence in the searches – really searcher effectiveness not efficiency.

Melissa Price: If these permittees can plan to involve intentional, structured searches, spot checks: as we saw cats on every site during site visit.

Michelle Bogardus: Really appreciate the presented attention to detail and adaptive management shifts by A & B.

03.31/2023/ 2:01 pm/ <https://youtu.be/BYMkI4XGoaU?t=3705>

ITEM 4.G. Participant presentations of annual reports, request for committee comments – Hawai'i Department of Transportation

Status:

- Permit and License issued in 2020 and 2022 is 3rd year of implementation
 - Includes: Port Allen Harbor, Lihue Airport, and Nawiliwili Harbor

Lighting:

- Lighting measures had previously been done, but in 2022 installed a shield on the warehouse at Port Allen Harbor and new light fixtures are replacing older generation systems to follow minimization standards

Training and Outreach:

- General seabird awareness and response for staff at three sites and annual seabird searcher training, as well as outreach to facility maintenance and airline crews including quick reference resource

Monitoring and reporting:

- Conducting searches twice a day (2-5 hours following sunset and 1-2 hours prior to sunrise)
- 7 Newell Shearwater's were discovered in 2022: 6 successfully released and 1 euthanized due to injuries

Predator control at Lihue Airport

- Preseason cat estimate= 3.5 nighttime
- Traps deployed: 10 over 920 trap nights
- All animal control effort performed in alignment with USDA Wildlife Services
 - USDA Wildlife Services estimated 85% discovery rate
- Mean of 2.5 cats on surveys throughout nighttime

Predator control at Harbors

- Nawiliwili Harbor: pre-season estimate 3.3
 - 56% reduction in detection rate

- Port Allen harbor:
 - 1 cat seen; none removed

Authorized take: and observed and calculated take:

- Newell Shearwater lethal: 5.16 and non-lethal 5.28 (calculated using facility discovery rates and survivorship estimate of SOS released Newell's shearwater fledglings)

Questions and Comments from the ESRC members:

Michelle Bogardus: Wanted to follow up on SOS survivorship factored in take estimates for the year so appreciate that was calculated in estimates

- Gregory Spencer: Yes, and we recalculated 2020 and 2021 estimates as well to include this.

Melissa Price: Appreciate the efforts to document, monitor, and remove predators on site. Want to hear from agencies if the discovery rate in the HCP given predators at the site still stands?

- Michelle Bogardus: This is under adaptive management. Assess where permittees are in relation to the assumptions made under the permit. Just because the rates are off, an amendment is not immediately warranted. Look at discovery rates and assess where they are and get through adaptive management to meet expectations in permit and the assumptions made. Determine if not possible to get to assumptions or with adaptive management that the detectability is not appropriate. If we are not getting there. In that case USFWS would recommend to permittees to amend their permit to amend discovery rate.
- Melissa Price: Do we feel like we are on track (when we see 8 cats)? How do we feel we are doing- is continued adaptive management needed to get closer to discovery rate that is written in HCP?
 - Lainie Berry: Reviewing the information we have now. We have more information and are going to be reviewing and discussing it.
 - Michelle Bogardus: I don't have an answer related to HDOT. Our staff is reviewing the predator control and the detection rates as best as can be assessed- there will be a meeting to identify where gaps are and to determine if things need to happen to determine if assumptions made in HCP were appropriate.

Melissa Price: Jim, what do you want to see from participants on what they are presenting on regarding discovery rates?

- Jim Jacobi: It is startup time and we are trying to feel around. As for low discovery rates I think it is important to think about recalculation for earlier years take estimates. May have to make later- in terms of getting close to threshold. I feel hamstrung in terms of addressing issues when agencies are meeting in permittees in private. I would appreciate having those discussions as part of the more general discussions with the committee. Concerned about discovery rates and how they relate to predator control and whether estimated detection rates are valid or not.
- Gregory Spencer: We took the results from the DOFAW trials and also conducted a trial. And incorporated the lessons into finding birds. We took away what can we do better and incorporate into training. We want to find birds and get them to SOS as soon as possible. We want a high performance internally and we focus on what we see from agencies as most critical.

Melissa Price: What are the data types and how the different pieces of data: searcher efficacy, downed birds, predator control how they combined to interpret numbers to determine take of birds?

Jim Jacobi: Appreciate that we have assumptions on the table and can test viability of assumptions. Change in assumptions will change the viability of take estimate. Still a far way off of the end of the project and take level is quite far off but trying to get honed in on trajectory and know ultimately how many birds are coming down and that relates to what we need to do to mitigate and this needs to be data driven as much as possible- predator detection trials and bird detection trials.

- Lisa Bail: Outside community supporting feral cat colonies HB 220 – what is happening in other areas is affecting what they are able to achieve.

Melissa Price: The decisionmakers who have control with this are the participants who have control over their land, the ESRC, and the agencies.

Lainie Berry: We grapple with this related to feral cat colonies and similar effort will continue. Appreciate HDOT looking at data and making necessary questions. Welcome suggestions from the ESRC to improve searcher efficiency or predator control efficiency.

Michelle Bogardus: Future sessions: benefit for agencies and benefit for ESRC. Piece in reporting document – based on the information gathered this year “we believe we are meeting detectability assumption that is in the permit”. “We believe we have met full expectations related to predator control”. A spot within the document to identify whether we are meeting predator control and detectability for birds. Each permit has a defined detectability metric for permit– most are 50%. Based on the data collected this year is this consistent with assumption for permit and why you believe this or don’t believe this.

Jim Jacobi: Science driven process. Predator control efforts seem to be efforts and not clear if there are effective or not. There are other programs to see where threshold is. Need for informational agenda item in future meetings (Predator Working Group) or O’ahu Army Natural Resources. Use their efforts instead of reinventing wheel. Their standardization of the predator control response is invaluable.

Lainie Berry: It could look like small workshop or multi day predator control workshop.

Jim Jacobi: For an hour bring in an expertise for what are the concerns, tools etc to set stage.

- Gregory Spencer: Cover the range of environmental settings, not just knowledge base that occurs in mountains.

Michelle Bogardus: Predator control – how do we create more value. This space is different (not to say we don’t want durable predator control and doable outcomes). Bird is still there at time of search-interplay between predator control and searcher methodology. Short term gains instead of long-term values. Different than typical approach for predator control. For HCP, predator control doesn’t factor into detectability component. Detectability is defined by search efficacy. Predator control: standards that have to be met are separate; if you meet these standards and detectability then you are meeting what is outlined in the HCP.

- Kate Cullison: Discovery rate is a combination of adequate predator control and searcher efficiency. Achieving the predator control bar is based on meeting expectations. A lot of

challenges expressing what we need to see to evaluate efficacy of carcass retention and searcher efficiency to determine discovery rate. If reach certain bar for predator control making these assumptions are used to evaluate efficacy.

Jim Jacobi: Agree that this is a different situation: but is predator control being effective? What is threshold of effectiveness- find the bird, ensure they are effectively detected and ensure predator control that it is effective level that is reducing risk.

- Gregory Spencer: reduction in predators in HCP; language is not specific more than that

Jim Jacobi: Is reduction effective to get you to the correct levels?

Public: No public testimony, comments, or questions

Future agenda item:

- Predator control efficacy in urban / suburban areas (as opposed to just natural areas) workshop and training from experts

Lainie Berry: Loyal Merhoff dropped off at 1:57 pm. Jim Jacobi exiting and Robert Reed returning as USGS representative

BREAK

03.31.2023/ 2:57 pm/ <https://youtu.be/BYMkJ4XGoaU?t=7029>

ITEM 4.H. Participant presentations of annual reports, request for committee comments – Kaua‘i County

Permit issued June 2020

- No take reported in 2022; may have been take that occurred and working with FWS to confirm
 - Category 3 sites: predator controlled and or monitored
 - 190 cats removed during 1356.5 trapping nights

Lighting/Predator Control/Training:

- Changes to lighting: none
- Changing to covered facilities: none
- Prohibition of feeding feral animals on county property ordinance passed in March of 2022
- Fledgling season information and rules included on permits
- Service agreement with SOS finalized last month for calendar year for 2023
- Educational trainings: at high school related to night football game, as part of new hire informational training video, annual monitor training prior to fledgling season, county of Kaua‘i informational web page created

Challenges:

- Each facility is unique: facilities scattered island-wide
- Predator controls: funding and capacity, vandalism and theft, continued feeding of feral cats
- Searcher efficiency: union agreements dictate monitoring protocols

Changes: Proposed changes to seabird program for 2023 season:

- Increase predator control efforts: additional funding has been requested in FY 24 budget submittal, work with agencies to develop cost effective process to measure efficacy of predator control efforts
- Increase community outreach, educational programs, and partnerships
- Improving communication with partners (SOS program), agencies
- Implementation of signage at affected facilities and sites (nonprofit as partner)

Questions and Comments from the ESRC members:

Melissa Price: Low numbers of discovery and lack of predator control will influence calculation for true discovery rate. In reality there is most likely an extremely low discovery rate given number of predators and number of sites. The discovery rate true estimate is probably much lower than what is in HCP – guessing that there is a whole lot of unfound birds – how you can get closer to better predator control and monitoring and finding birds?

- Pat Porter: We want to work with agencies to get baseline data for each location

Melissa Price: Permeable borders so no point in baseline population – simple as do you have cats then go remove them

- Pat Porter: Met with contractor that does predator control to look at each site and grade each site according to trapability – and provide cost estimate for each site. Cost estimate is triple from current contract- we put that into our budget- will add sites depending on new budget

Michelle Bogardus: Where the county is at is not sufficient and nervous about level of work that needs to be done: adequate surveys, searcher efficacy, and predator control. The bench mark is not the budget but rather the standards under the permit. County committed to standards under HCP. Not a great spot but agencies ready and willing to help. But will have to be significant scale up to get ready for fall out season. Will put that in writing.

- Pat Porter: Yes, that will be helpful since we need more support from elected officials.

Michelle Bogardus: A lot of sites, so added complexity but still standard to be met.

Lainie Berry: Also concerned about compliance. Understand budget since we deal with the same thing. Question about cat feeding ordinance and how enforcement is going?

- Pat Porter: Police officers and park rangers can enforce ordinance; they do catch people and report it back to us. Working on signage program and filling the positions to have more presence.
- Sean O’Keefe: Do you accept vigilante reports? We have this at our sites that are county property. Can we send pictures and expect something to be done?
 - Pat Porter: Yes, send to Parks.Kauai.gov

Lainie Berry: Regarding the training program: does Kathryn have a background in seabird biology or do you need us to help support as the agencies?

- Pat Porter: No designated biologist for county. Kathryn is part of the permits program- and taking this responsibility in addition to regular role.

Michelle Bogardus: The county permit has requirements related to sea turtle nesting and activities- what is the status here? Related to beach parks.

- Pat Porter: I will have to check on that.

Michelle Bogardus: Agree that coordination with SOS is important and take numbers get updated to reflect that.

Lainie Berry: Request from staff regarding length and format of report- could you summarize more and make it more readable? Can you provide information about search routes and photos of lights? Concern about category 3 facilities, lighting assessment to be done yearly prior to seabird season. And predator control needs to be increased especially at those sites.

Michelle Bogardus: It sounds like capacity at administration level is a limiting factor and might be something to think about. Do a real assessment to manage what is needed to account for this role and identify that in job duties.

- Pat Porter: Yes, we have identified that before.

03.31.2023/3:30 pm/ <https://youtu.be/BYMkJ4XGoaU?t=8983>

ITEMS 4.A, 4.D, 4.E, & 4.F. Participant presentations of annual reports, request for committee comments – NCL, 1 Hotel Hanalei Bay, Sonesta Royal Kaua‘i Resort, and Sheraton Resort

ESRC Discussion and Comments:

Michelle Bogardus: not prepared to do comments until after presentation.

Melissa Price: Split up presentations into two days.

Kawika Winter: Don't have time to make your comments, open up to ESRC to make comments.

Robert Reed: I feel like properties had big improvements with decoys, challenges at Royal Sonesta- look forward to hearing in presentation, haven't gotten back to see if it's sufficient improvements. They are significant improvements but not sure if they are enough.

Lainie Berry: I don't have comments now.

Kawika Winter: Regarding the formatting of reports, found them very confusing, no narratives, and links weren't actual links, not helpful at all, were those DOFAW fields that got filled in?

- Lisa Bail: Permit is written that Lindsay writes the report for all of us, data sheets reported and compiled into report by Lindsay

Melissa Price: A number of reports came to her late, made her task difficult when report didn't get to her on time

- Sean O'Keefe: I helped to develop the forms for the purpose Lisa described (base form that provides basic info about each facility) and for specific information each base form refers to an

addendum sheet – that is where the specific text is for the protocols; there are separate sheets that detail all the take and downed seabird reports, all done in Excel form – when you save them as a pdf the links might not work and be preserved. The links usually take you to photos and such; has a lot of information to be used for Lindsay's annual report. Text from addendum sheet is copied and pasted to final annual report.

Lainie Berry: DOFAW will send a draft agenda out please review and if we miss anything let us know, we will do our best. I acknowledge that this is not the first time you have raised these concerns.

Michelle Bogardus: To clarify ESRC members will be looking for a meeting poll for KSHCP and KIUC and for a quarterly meeting in May?...To clarify nothing after checking, nothing is on my May calendar.

Kawika Winter: Can we have KSHCP and KIUC on same day?

Kate Cullison: Very important separate matters – need separate days for them to discuss.

Kawika Winter: I understand.

Action items:

- Kawika Winter: I want to hear from Lindsay next meeting regarding the transfer of raw data and how it is transferred to her report and how these individual reports are formatted
- Melissa Price: Have Reggie's presentation show in a focused way where they are meeting the goals, where they are not meeting the goals and what they are doing to address the goals. Data being presented without the visuals- last year no presentations since Lindsay presented one. Requesting that things are specific: not a formatting issue but a content issue
- Kawika: noncompliance issues: have a voting action next meeting

03.31.2023/3:49 pm/ <https://youtu.be/BYMkJ4XGoaU?t=10180>

ITEM 5. Adjournment

MOTION

Lainie made a motion to adjourn.

Melissa seconded it.

Four votes to adjourn.