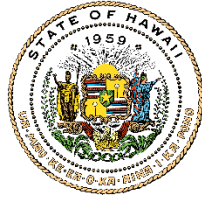


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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LAURA H.E. KAAKUA
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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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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: March 29th, 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/watch?v=QbM7ZPkZ4EE>

FINAL 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

Cindy Young - DOFAW

OTHERS

Jaap Eijzenga - SWCA
Amanda Ehrenkrantz - SWCA

George Akau - Auwahi
Matthew Stelmach - Auwahi

Rachel Sprague - Pūlama Lāna'i
John Sprague - Pūlama Lāna'i

ITEM 1. Call to order, announcements

Lainie Berry (DOFAW) called the meeting to order. ESRC members introduced themselves.

Lainie Berry: introduced and congratulated Myrna as the new Habitat Conservation Plan (HCP) Coordinator. Lainie announced they are working on hiring a replacement for Myrna's position as well.

Kate Cullison:

- Shared an update about Friday's Kaua'i Seabird Habitat Conservation Plan (KSHCP) ESRC meeting. No specific announcement. But double check website since there will be more additional meeting materials posted. Still pdfing individual participant reports (6/8 and joint one is on there as well).
- For the Kaua'i Island Utility Company (KIUC) update, Kate will send a doodle poll out for a future KIUC meeting in April since KIUC did not get to finish presentation and ESRC did not get to deliberate on significant portions of HCP. Will have a series of events for KIUC scheduled to move forward with the project, next one in late April to allow the presentation to finish and ESRC to add comments. Update for public meeting earlier in the week on Kaua'i-no public participation or comment. Will post and summarize public comments that have come in from NGOs (non-governmental organizations) and individuals.
- Kate shared about a programmatic state-wide nēnē HCP and the need for it, a lot of injuries on nēnē recently, especially by golf courses. Need for permitting on Kaua'i where nēnē are doing better and area challenge for land owner. Will bring a draft proposal to ESRC. State-wide recovery and conservation plan that state wide applicants can choose more best management practices for their properties.
- Clarify that they will not go forward with a vote for item 4 today because of the Sunshine Law. This is because the agenda does not have significant/sufficient information on the agenda for the Public to know what the ESRC is discussing and voting. Will be discussing what these permitted interaction groups are and how they work and how they can be useful to the committee in the future.
 - Kawika Winter: We had requested a while back to have an item on the agendas to have an open discussion topic regarding how things are working and discuss concerns Loyal and others had, in the meetings to discuss roles and topics.
 - Lainie Berry: There was a beginning of this discussion started last meeting but they did not get very far in it.
 - Cindy clarified that it is not written on the agenda in a way that you can vote for a specific permitted interaction group for a specific project. If a specific permitted interaction group is anticipated best to put on agenda in title. If not anticipated but if comes up in a discussion- could be possible to create a topic but really need to agendize. For today's agenda can't discuss permitted interaction groups for the particular different HCPs/ SHAs. The way that it is written in agenda given the title is with the intention to have a discussion about what these groups are and what is required to create them.

- Kawika Winter: Wants to ask for open discussion about discussing staff needs so ESRC can fulfill their roles.
- Kate Cullison: suggested a “next steps open discussion” at end of meeting.
- Cindy Young: that is fine as long as long at the items are on the agenda in some form and talk about next steps.If the items are not in the agenda needs to be announcement and not an explicit discussion but simply next steps.
- Loyal Merhoff expressing frustration for big picture topic discussions, and that they haven’t been on agenda, hoping to talk about them but don’t show up on agenda, really have a need for substantive overall discussion about ESRC during meetings.
- Lainie Berry: The roles topic that Loyal brought up in the past have to be specific but can’t be just an open discussion. If there are specific topics like permitted interaction groups then can add to the agenda and talk about them.
- Cindy Young: Have a “roles and responsibility” discussion – non action items and agendaized as such.
- Lainie Berry: Will follow up on protocols with Cindy.
- Kate Cullison: Asked ESRC to send her specific topics that they want on the future agenda. This would be easier to track and ensure that it is accounted for.

03.29.23/09:20 am/ <https://youtu.be/QbM7ZPkZ4EE?t=1166>

ITEM 2. Review of Auwahi Draft Hawaiian Hoary Bat Tier 5 Site-Specific Implementation Plan – Request for Comments and Recommendations

- **Kamehamehenui Mitigation Area (690 acres) within the Kamehamehenui Forest Reserve, Maui**

Presentation by George Akau and Matt Stelmach of Auwahi

**Since planning started- Auwahi has exceeded Tier 4, so there is urgency to receive approval from the U.S. Fish and Wildlife Service (USFWS) and the Division of Forestry and Wildlife (DOFAW) HCP staff to begin implementation

ESRC Discussion, Comments, and Recommendations:

Kawika Winter:

- Efficacy of Tier 4, do we have any quantified evidence of increasing bat populations?
 - Matt Stelmach: says the West analysis reported increase in bat acoustic activity over baseline monitoring – in annual report (the difference was significant)
- Is tier 4 a similar elevation to tier 5 or different?
 - George Akau: A little higher elevation for tier 4

Melissa Price:

- Is that like a standardized by bat calls per detection night? Were they put out in the same seasons, do they encompass the same time scale and periods between 1 and 2 and was there a statistical difference between year 0 and year 1?

- George Akau: Overall mean call abundance increased from year 0 to year 1 and according to bars looks significant
- Concern – This could show that you are growing of bat from other places and not producing an increase in bats to make up from the losses from wind farms. How will the plan moving forward increase the number of bats not just the number in this area because they shifted to this area?
 - Matt Stelmach: Supporting bats in this new area leaves room for other bats to occupy the old habitat, which is a success in Matt’s mind.

Bob Reed:

- Zero info on how the bats respond to habitat management
- Questions about the efficacy of certain things
 - Koa grows fast and increases insect abundance but does not show that it is used as a roost tree for bats on Hawai‘i island which is important. Might consider leaving in non-native Eucalyptus and Evergreens and for roosting trees
 - Understory and midstory for insect resources but planting Koa alone does not provide opportunities for increased roost sites
 - Taking ungulates out usually helps with vegetation in Hawai‘i but we don’t know how that will influence bats- left with all in all it is more likely to be positive
- Some statements that are not backed up by the literature- “edge habitat specialist and ocean water body forager” are speculative
 - Need more reliance on newer literature
 - Surprised that newer research by USGS and HT Harvey, especially on diet, were not included in the background
- Distinguishing between any noise made by bat and foraging noises
 - Looking at just call abundance and activity rates doesn’t just mean foraging
 - Focusing on feeding buzzes is important
 - Call abundance is not the same as bat abundance, and this needs to be teased out of the plan more
- Unclear of what adaptive management goals were
 - Bat activity managed how?
 - What is the directionality in foraging composition if you think the change is necessary?
 - Do have some recent sources to pass on to you on how habitat management can influence behavior?

Loyal Merhoff:

- Don’t agree with small number of bats (20 acres of habitat in mitigation site and 20% of that is in forest)
 - 20 acres is not appropriate level for habitat mitigation for 34 bats, don’t see good support for this being an appropriate level for mitigation, especially since we don’t have the good information
 - 4 acres of trees planted for each bat
 - Doesn’t seem like a compelling effort to offset 34 bats
 - Needs more than what you have done so far
 - Hard to parse out what your contribute or if the restoration of the land really is going to add benefit to the bats
 - Someone else’ land and fence
 - You are only doing ungulate control and planting
 - What are the plans for DOFAW for this area? Mesic forest?

- Concerned if you are shooting for 20% canopy in that almost 700 area what happens when the rest of it grows up into trees? Will you reduce it back down to 20% and is DOFAW Maui ok with that?
- Pre-restoration monitoring
 - One site is in the restoration area, and one is clearly outside.
 - Why did you not put the pre-mitigation monitoring on the site where you will be doing stuff?
- And in addition I am uncomfortable to have success criteria as actions and the only thing pertaining to bat benefits as an increase? That says any increase at all is a win and doesn't give confidence that you will be offsetting 34 bats

Bob Reed: This site: mesic mid-elevation 5,700 feet -yet another mitigation site that probably provides no pupping habitat since pupping almost entirely occurs below 1,000 meters

- Are we widdling away a vital resource as we approve multiple mitigation areas that don't provide this?
- Lower elevation is critical and we should acknowledge that the plan is not meeting critical life stage for this species but instead focusing on foraging prey availability and roosting
- Some day roosts are used as night roosts and night roosts may not be used as day roosts (put this in context of actual bat behavior)
 - Matt Stelmach: working with Lance at DOFAW – certainly they want to optimize the resources for bats but are constrained by DOFAW's management to optimize to the maximum degree for bats while maintaining no conflict with DOFAW
 - Matt Stelmach: Work with DOFAW to maintain roost trees and see what they can do
 - Clarify that night roosting is rest and digest after eating; until returning to an appropriate day roost
 - Which is why we clarified Koa would be providing night roosting not day roosting
 - Feeding buzzes are a small fractions of the overall calls
 - Given statistical validity – we didn't place an emphasis on feeding buzzes although they are analyzed; ability to detect a change given the sample size

Loyal Merhoff: Concern about acreage for bat

- Matt Stelmach: ESRC had extensive discussion and agreed and voted to approve amendment for acreage
 - Mitigation actions and success criteria align with what they said to choose for tier 4 action plan
 - Mirroring what used at tier 4 seemed clearest path for approval of mitigation plan-streamline process as much as possible instead of reinventing the wheel; utilize what was existing
- Matt Stelmach: Selection of pre restoration sites done before DOFAW selected sites
 - Bat selection at one site was as good as they could not knowing where the mitigation actions would occur and narrowed down where the management would happen
 - Baseline monitoring sites used to narrow down acoustic monitors to 14
- Matt Stelmach: Success criteria is mirroring what is approved in Tier 4

Kawika Winter: Are there any lands in pupping where you all would have control over?

- Matt Stelmach: Not on this site. Would require identifying different lands (adaptive management) and identifying a new parcel.

Michelle Bogardus: Matt, you are at the stage of identifying lands for Tier 6?

- Matt Stelmach: Yes, wanted to identify both Tier 5 and Tier 6 simultaneously – but not feasible- will move on to Tier 6 planning after Tier 5 approval.

Loyal Merhoff: Regarding the size amount and the Tier 4 amendment process, I thought the ESRC agreed to this acreage level at Tier 4 but to lump into it other mitigation from the West study to compensate for low acreage for that particular mitigation site. I don't remember that it would be a direct carryover of just the acreage from Tier 4 to Tier 5.

Michelle Bogardus: I don't recall either. I can't recall the differentiation between Tier 4 and Tier 5

Loyal Merhoff: DOFAW has already done the fencing, which is another aspect of this. If you want to work in this particular parcel there are areas downslope that are unfenced and might seem more appropriate to work on.

- Matt Stelmach: The reason why we selected this area: phase 1 is makua of the fenceline and phase 2 has existing graze lease (area not available to be utilized) and would not be revoked until a later time; those areas are not available to be utilized

Loyal Merhoff: Concerns still stand.

Kawika Winter: Regarding Cumulative net benefit: We are trying to ensure that Tier 5 mitigation has a cumulative net benefit for the amount of bats that were lost got us here (what is the number we are mitigating for?)

- Matt Stelmach: 34 bats for Tier 5

Kawika Winter: Will this mitigation plan have a cumulative net benefit to the entire population in regards to the 34 lost bats? Is the mitigation just planting ?

- Matt Stelmach:
 - Proposing to plant 138 acres of Koa intermixed with other trees
 - Installing a pond on adjacent Haleakala Ranch lands
 - The 20 acres is the acreage based offset
 - Yellow portion is the part we would manage
 - Lower boundary would be a new fence and DOFAW is planning to continue fence along Kula Forest Reserve

Melissa Price: So there are 138 acres of Koa planted for 34 bats, which works out to about 4 acres per bat. How do we get to 20 acres per bat?

- Matt Stelmach: Acreage-based offset is essentially identifying the needs/ space requirements
 - In the HCP amendment it details bats need in relation to the overall ecosystem
 - Bats need diversity of landscape for foraging opportunity
 - Open-edge foraging is preferred (cited in studies)
 - Utilized studies as basis
 - Habitat density of forest – detailed this mix

Melissa Price: The mitigation you are doing are planting Koa which works out to habitat improvements of 4 acres per bat. Calculation is based on 20 acres per bat. So sounds like you are taking advantage of actions of others and utilizing that in the calculated benefit?

- Goal is to optimize habitats for bats. HT Harvey Study found that bats bypass closed forests so we are looking to create optimal foraging habitats to reduce bat's energy used for foraging needs. We are trying to create an optimal matrix

Melissa Price: I will think on that more. I want to see this written in the plan that you come back and show us the number of bats produced. I will continue to ask for a demonstration that it is increasing the number of bats. Speaks to Bob's comments regarding feeding buzzes versus detection rates written in the plan – to see how it is compensating for loss of bats – ensure that this monitoring is built into the plan to avoid frustration next year.

Loyal Merhoff: Do we have to feedback on as an agenda item for a future meeting? Matt spoke to an accelerated timeline that would allow Auwahi to move forward with mitigation. What do we need to do to follow the accelerated timeline?

- Matt Stelmach: Auwahi was asked to present this SSMIP today. We will take the comments and recommendations from the ESRC and continue to work with DOFAW/ USFWS staff to make the changes to get a plan that meets approval.

Bob Reed: I brought the HT Harvey study up. It was looking at Maui where there was avoidance of forest but important to look at totality of evidence for activity, and not be too fast to make conclusions from it. Hawai'i island highest bat activity was on closed canopy native forest. Type of forest and structure of forest is going to affect bat success and activity levels more than open vs closed forest. The nuance of the forest structure and the species mix should help determine success and activity increases (caveat: not all activity is the same)

Public: No questions or comments

10 Minute Break

03.29.2023/10:27 am/ <https://youtu.be/QbM7ZPkZ4EE?t=5394>

ITEM 3. Update on Current Habitat Conservation Plans and Safe Harbor Agreements Under Development

- **Hāwī Wind Farm Habitat Conservation Plan, Hawai'i Island**
- **Pakini Nui Wind Farm Habitat Conservation Plan, Hawai'i Island**
- **Lalamilo Wind Farm Habitat Conservation Plan, Hawai'i Island**

Powerpoint Presentation by Myrna Giraldo-Perez

Questions, comments, and recommendations from the ESRC:

Melissa Price: On Big Island, I know there are colonies for band-rumped storm petrels at Pakini nui- why is Band-rumped storm petrels not a covered species for the HCPs?

- Kawika Winter: Especially for Pakini Nui? Band-rumped storm petrels for Pakini nui were a point of discussion when they came before ESRC in 2020 for approval of HCP
- Jaap Eijzenga: Band-Rumped Storm Petrels are not a covered species in the HCP. In the ESRC meeting in 2020, Pakini Nui Wind didn't consider the risk of impact to be significant enough to warrant including them as a covered species
 - Kawika Winter: remembers to vote in favor of an amendment to be added; approval of HCP contingent upon adding Band-rumped storm petrel
 - Jaap Eijzenga: The amendment referenced if a band-rumped storm petrel fatality was found on site that mitigation would be initiated and an amendment would be sought for the HCP

- Melissa Price: suggests to have it built in as a tier action so you don't have to have the delay, so once the fatality is detected it would trigger all of those actions
 - Jaap Eijzena: When HCP was approved the mechanism as described was decided

Kawika Winter: For Hāwī, I had an understanding that there was take of bats before anything was finalized. Is the table that showed 2 bats the total bats taken from the history of the project?

- Amanda Ehrenkrantz: Weekly canine searches were instituted in January 2022 and 2 bats were found since then. There have been other protocols of searching prior to that and no bat fatalities were identified. This is the first time we are doing weekly canine searches with bias trials.

03.29.2023/ 10:56 am/ <https://youtu.be/ObM7ZPkZ4EE?t=6967>

ITEM 3. Update on Current Habitat Conservation Plans and Safe Harbor Agreements Under Development

- **Kaua'i Nēnē Island-wide Habitat Conservation Plan Update**

Review of plan update: bring back to ESRC in upcoming months

Questions or comments from the ESRC :

No questions or points to discuss now

03.29.2023/ 10:56 am/ <https://youtu.be/ObM7ZPkZ4EE?t=6967>

ITEM 3. Update on Current Habitat Conservation Plans and Safe Harbor Agreements Under Development

- **Safe Harbor Agreement for the Reintroduction of the Endangered Orangeblack Damselfly (*Megalagrion xanthomelas*) to the Island of Lāna'i**

Powerpoint Presentation by John Sprague and Rachel Sprague of Pūlama Lāna'i

Michelle Bogardus rejoined at 11:00 am

Questions, comments, and recommendations from ESRC:

Melissa Price: Can you go back to where you talked about excluding the coots and gallinules from the ponds versus exclusion devices?

- John Sprague: We don't plan on excluding the species for the area. We anticipate the species might be attracted to the area. Our concerns may be that our covered actions do not allow for unnecessary take of waterbirds. Recovery area is not designed for waterbirds- specifically designed for damselflies. Stilts will come and find the area and want to acknowledge that they may find the area and it could be a possibility.

Loyal Merhoff: What is the language with respect to "return to baseline" in terms of the safeharbor agreement?

- Rachel Sprague: We are working with the standard language that is in the service and DLNR language for safe harbors. Notification to DLNR and Service if there was a return to baseline at the end of the agreement and there would be time and access allowed for removal of any individuals if the Service and DLNR so desired.

Loyal Merhoff: Only site there I've seen damselflies at is at the lodge. Was there a reason for not going to coastal areas as site potentials since you would have water supplies that might be easier to deal with?

- John Sprague: access to site and knowing that population was extant at the higher elevation site made sense to go with that. While there could be appropriate water sources along the coast with remediation of the coastline, it is not currently extant. Site we chose in consultation with DOFAW and the Service had a water source we could tap into very easily – more easy to maintain as artificial habitat at this site.
- Rachel Sprague: Coastal areas on the other side are not anchline pools but rather storm water and ocean was that are full of fish. DOFAW has found non native damselflies found here but don't feel good about longterm control and persistence. No power and water source along this side. We felt better about choosing a site where we could consistently monitor the habitat in regards to demonstrating the initial establishment of a population (drainage along windward side is impossible to control during flood waters).

Loyal Merhoff: I have concerns that if you need a population on Lanai and that this is the only location if that baseline can go back to zero.

Michelle Bogardus: USFWS Section 10 release of information might give flexibility and ideas for how that return to baseline portion of the Safeharbor agreement could look.

- Rachel Sprague: We don't intend to return to baseline –this is a challenge for reintroduction to an island where fish were able to infiltrate habitats throughout. Invasive fish ended up in golf course ponds and R1 reservoir because of people dumping the mosquito fish, mosquito fish are in every pond that are not even a water source. Ideally the damselflies would get back into the water that is up in the mountain area. This species has liked more sun and lower elevation than other species of damselflies. I don't know if this habitat exists here or even on the other islands. Our thoughts were we could create a protected population as a nursery as genetic assurance. Maybe this isn't the best place for species across the islands. Starting with artificial habitat is the only way to recover them on this island.

Loyal Merhoff: Seems like this is almost a recovery/conservation agreement and not a safeharbor. But there could be other species could come in and make it complex and there are other considerations for other species

- Michelle Bogardus: They need the take coverage if they show up in inappropriate areas like the water treatment sites or golf course ponds. We could cover that through a conservation agreement on federal side but no equivalent process for Chapter 195D on State side.

Public: No questions or comments from the public

Five Minute Break

03.29.2023/11:42 am/ <https://youtu.be/QbM7ZPkZ4EE?t=9745>

ITEM 4. Permitted Interaction Group (PIGs)¹

Cinyd Young: A permitted interaction group (PIGs) is one of the several permitted interactions allowed pursuant to HRS Section 92-2.5, Subsection B-1. It requires a three meeting arc at a minimum, in order to create a PIG (comprising of either 2 or 3 members of a board- less than quorum).

At the initial meeting set out the scope of the group- set out which members are included, their roles, and what are they tasked with investigating (this is at the first meeting). The second meeting would involve the group reporting their findings, testimony, and recommendations to the ESRC committee, at that meeting there could not be deliberation or discussion, or decision making. At the third meeting,

there would be discussion, deliberation, and decision making (as an example: could vote for something regarding an HCP).

¹ Hawaii Revised Statute §92-2.5 (b)(1)(A-C)

Questions, Comments, and Recommendations from the ESRC:

Michelle Bogardus: Is this the same process that was used to create the bat taskforce?

Lainie Berry: Believes it was the same process.

Loyal Merhoff: I am not sure about the mechanism laid out to us regarding the bat taskforce, but it was intended to work with species specialists and report back.

Kawika Winter: Remember it not being called a PIG but looked like a a PIG.

Loyal Merhoff: Simliar to this but different, less formal than a PIG since the committee responded to something that they had done at the request of the full ESRC.

Lainie Berry: opened it up to the public for questions.

Jim Jacobi: It was like a PIG and the bat task force returned back to ESRC several times- still has not finalized it, would be helpful to see where that is.

Michelle Bogardus: Can it be more than 3 meetings?

At minimum three yes. If keeping with original scope you can continue, but if the scope changes then you have to go back to an initial meeting.

Michelle Bogardus: Is there anything needed to identify that task has been completed and the group is disbanded?

Cindy Young: Decision that comes with this item.

Loyal Merhoff: Seems useful for discussion on bat task force. Not useful for people putting together an HCP and they want to talk to small group of ESRC members– that might be more cumbersome than anything else. What is the intent of this agenda item- bat task force or ability for members to communicate with individual members on projects?

Laine Berry: I believe it was if there is a need for additional PIGs. We put it on the agenda with the plan to talk about specific groups. The original intent was to pose to the ESRC if there is a need for particular groups and then vote on them but then we did not agenda that sufficiently.

Cindy Young: The overarching thing is the sunshine law is there. That is in regards to board matters that come before the ESRC. There are other types of permitted interaction groups that are set out in 195d-2.5. One in particular is that if there is an informational briefing of some sort, 2 or more members can attend the presentation on matters relating to board business. This includes seminars, conventions, committee meetings, provided that the meeting is not exclusively organized or directed for members of board. Committee members in that permitted type of instance can participate in discussion provided that they discuss as part of informational meeting- providing that no commitment relating to a vote is sought.

Linda Chow via Cindy Young: Bat Task Force and White paper according to her recollection was a Permitted Interaction Group

Loyal Merhoff: She helped design all that.

Michelle Bogardus: There are a lot of conversations going on regarding concerns we are trying to address. I am struggling to see where PIG fits in to address challenges and concerns. What do you all think?

Loyal Merhoff: I see it as more cumbersome than might be worth it. People that want to talk individually- there might not be a good mechanism for that. Is there a way to have a more open discussion of ideas as part of an ESRC meeting? It sounds like agenda items have to be very specific. Say for example an open discussion on how much habitat is enough to request for a bat take? This is controversial so could we have this be weighed on as a particular topic as part of the time period in the ESRC in lieu of having permittees talk to us individually. In the past we had scientists run through things in workshops- that is once every couple of years.

Michelle Bogardus: Back and forth about the request you received from applicants. Can you summarize? In practice in the past permittees and licensees were encouraged to talk to individual ESRC members they just couldn't talk to multiple without the whole group.

Loyal Merhoff: That was the question raised by DOFAW. I am ok just have a preference to have DOFAW aware and in attendance so as not to go contrary to management actions. Make sure the meetings are compatible with DOFAW needs. Thought that is what PIG is trying to get at. I don't mind talking with folks.

Melissa Price: I don't want the individual interaction taking place in place of committee discussion that doesn't seem right or in the spirit of Chapter 195d. Ok for those meetings to occur, but if those individual conversations have been discussed, ask that we have Cliff note versions given in an ESRC meeting, happening within sunshine law.

Laine Berry: Cindy you mentioned the informational briefing and what Loyal is saying just to have the PIG for a smaller question, it is probably not worth going through the three meeting process. Is that an alternative to a PIG?

Cindy Young: Not if the committee is organizing it. If someone else is organizing it for a larger audience then that can be done. Not done by staff to be focused on committee. That would have to be an agenda item that for a matter that will come before the committee.

Laine Berry: Could an example of that be a webinar that someone is putting on and committee members attend?

Cindy Young: It would be the 2 or 3 members. That is the limitation.

Lainie Berry: Say another party puts on a webinar that multiple committee members attend

Michelle Bogardus: For example how many of us are attending the Hawaiian Conservation Conference (Hawai'i Conservation Alliance) and will be in sessions together?

Cindy Young: Will think on this and get back to the committee about this. Sunshine law is focused on board discussion.

Kawika Winter: Sometimes there are presentations about the progress of these HCPs that happen at this conference. Lots of us are members of. Lots of meeting talking about topics, not necessarily the HCPs.

Lainie Berry: As long as board members are in the audience but not discussing as a committee.

Cindy Young: I will research and then consult OIP (Office on Information Practices).

Loyal Merhoff: Other than the bat task force, what we are talking about today is not going to be particularly useful for us.

Lainie Berry: We thought about PIGs to be a nēnē, seabird and another bat group focusing on another topic. For those groups – what would they be assigned to do? Based on previous committee meeting we thought there should be a deeper discussion about take on these species.

Michelle Bogardus: Might make sense to go broader than species and having more focused groups – project planning group, compliance monitoring group, or adaptive management group rather than species expertise. There are species working groups already and expertise in our conservation community so don't need to replicate that but could focus on species topics.

Loyal Merhoff: Thinking about the process aspects of those species working groups- compartments might be useful.

Michelle Bogardus: Have a group that is specifically designated to assist applicants with planning of submission for new request. Have that be early assistance for incoming applicants.

Loyal Merhoff: Realizing there is a caveat that the PIG would not be implying approval. This is the information needs. Not saying that they are approving it.

Michelle Bogardus: None of these groups would dissolve the agencies from doing their own due diligence.

Loyal Merhoff: Would need to have something similar to White paper to have for HCPs that you could reference, since White paper references what they think already worked.

Michelle Bogardus: The workings of these groups are recommendations, not policy, for helping streamline the process.

Loyal Merhoff: For the follow up DOFAW staff indicate what they would like and then properly agendize and bring back to the ESRC. How do the agencies want to deal with this and what they would prefer and then see if ESRC is ok with that?

Michelle Bogardus: We have always wanted the ESRC to help meet DOFAW's needs. Falls on DOFAW to determine what role ESRC committee should take beyond and within HCPs.

Lainie Berry: That has been brought up by committee members and the ESRC in regards to what outside of HCPs does the ESRC cover.

Michelle Bogardus: Even for HCPs there is a lot of diversity in how this committee has been used in the past. What does DOFAW need to meet obligations under Chapter 195D?

Lainie Berry: How much time does committee members have to devote to this? I could see this becoming a full time job.

Loyal Merhoff: How to put together something for the bats-some analytic things we did. Permittees might have a question, for example, “based on these calculations provided how do we...?” Sometimes you can sit it down and figure it out quickly. There should be some mechanisms to encourage interactions for clarify to understand how data is being used for some of these recommendations and suggestions.

Melissa Price: Having meetings be to the point and efficient and allow for discussion in meeting. Having the meetings show directly “here is the requirement, have we met it, or not.” Synposes that DOFAW provided in the past were helpful. Would be helpful for ESRC and their time, but the reports were not submitted in time in the past and didn’t have all the information.

Robert Reed: Bat experts related to bat takes, all but one of them are soft funded USGS positions that disappear. Hard to have hours to weigh in on PIGs- challenge for us.

Melissa Price: What is the process from here? How will we move forward with this?

Lainie Berry: DOFAW staff will discuss internally based on ESRC feedback and provide another update in a subsequent meeting. Need to get more clarification from staff on what they would like to see. This was something that was based on feedback from the ESRC on the need for more in depth discussions than what we accommodate in committee meetings. We thought this might be an option. Go back and discuss internally and come back to ESRC.

Melissa Price: Action items on meeting minutes made very clear and on next meeting’s agenda voting item to approve meeting minutes.

Lainie Berry: Seen that meeting minutes in board meetings. Can discuss this with staff and hopefully do this next meeting.

Cindy Young: Used to be that meetings were in writing and have substance of all matters proposed and other information that was requested to be included in the minutes. Now with Zoom summarized minutes will have to include motion, what that is, who voted, time stamp for each of the agenda items. May not include if there were more comments, could include but also could be sparser since have the link and time stamp.

Melissa Price: For example, I would like to see certain changes made and then often the changes are not seen and made. Following this process could help with accountability and make us feel that time is being well spent.

Lainie Berry: Happy to receive this feedback and get these recommendations. Will discuss with Myrna and accommodate and make adjustments.

Myrna Girald-Perez: Thank you for time and input provided today. DOFAW is aware of some action items made in prior meetings. HCP team is actively working on them and will be reaching out to ESRC regarding certain action items like the Maui Nui Safe harbors and update on the White paper. Actively working on this and will consider these comments for the next plannings of our meetings and have a more open line of communication.

Robert Reed is leaving at 12:30 pm. Jim Jacobi will be backup.

Robert Reed: Is Pu‘u Wa‘awa‘a on the docket for an upcoming review?

Lainie Berry: Yes, we plan to bring this as an upcoming discussion. We have been discussing this in DOFAW and plan to bring it back to the ESRC shortly.

03.29.2023/ 12:27 pm/ <https://youtu.be/QbM7ZPkZ4EE?t=12422>

ITEM 5. Adjournment

Motion to adjourn by Lainie

Seconded by Loyal

Vote approved unanimously