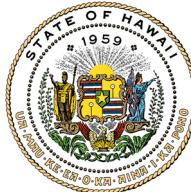


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SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

ENDANGERED SPECIES RECOVERY COMMITTEE (ESRC) PUBLIC MEETING

DATE: December 18th, 2025

TIME: 9:00 AM HST

LOCATION: DLNR Board Room, Kalanimoku Building 1151 Punchbowl St, Room #132., Honolulu, Hawai'i
Online via Zoom; and Livestream via YouTube recorded at <https://www.youtube.com/watch?v=1aZrajcbqgE>

Draft Meeting Minutes

MEMBERS

Afsheen Siddiqi
Michelle Bogardus
Melissa Price

Kawika Winter
Karen Courtot
Lindsay Young

DAG STAFF

Danica Patel—Deputy Attorney General

DOFAW STAFF

David G. Smith
Janis Matsunaga
Mason Russo
Peter Landon
Jesse Adams
Kelli Yamaguchi

Sheri Mann
Patrick Chee
Christopher Mottley
Adam Williams
Kinsley McEachern

DAR STAFF

Mimi Olry

OTHERS

David Henkin—Earth Justice
Dilek Sahin—PCSU Kaua'i Endangered Seabird Recovery Project
Charles "Chipper" Wichman—National Tropical Botanical Garden
Molly Stephenson—Terraform
Jenny Taylor—Tetra Tech

Michael Whitby—Bat Conservation International
Troy Rahmig—Tetra Tech
Dawn Huff—Joule Group

Kyle Pias—Hallux Ecosystem Research
David Zippin—ICF

John Brandon—ICF
Paul Krushelnicky—University of Hawai'i

12.18.2025 09:05/00:00:46

ITEM 1. CALL TO ORDER AND ANNOUNCEMENTS

Afsheen Siddiqi called the meeting to order and asked all participants not to use the Zoom chat feature, but rather to any send written comments to the DOFAW HCP e-mail address. Also, all meeting materials are available on the ESRC website. She then asked the HCP staff to introduce themselves followed by the Committee members. She requested that all committee members share if anyone is present in the room with them. Ms. Siddiqi then announced the agenda for the meeting.

It was noted that two hours were allotted for ITEM 3—KWP I and at 11:00 the committee would then transition to the next agenda item and come back to KWP I before the end of the meeting.

Kawika stated that after staff presentations he wants the floor open to ESRC comments before the applicant presentation. Melissa and Lindsay were in support of this suggestion.

12.18.2025 09:11/00:06:11

ITEM 2. APPROVAL OF DRAFT MEETING MINUTES FOR THE FOLLOWING ESRC PUBLIC MEETING:

August 8th, 2025

Kawika commented that in this meeting the committee voted on a site visit to the KIUC mitigation sites. He then mentioned that there was conversation around the question if someone was physically fit and had an interest in the project, would they be denied entry. The answer was no. It was noted that there was some confusion among members of the public that wanted to attend but read the meeting agenda and saw that it was closed to the public. He is trying to understand what a limited site visit means.

- Lindsay mentioned that most of this discussion occurred in Executive Session.
- Jesse commented that Executive Session conversations are not included in meeting minutes.
- Melissa reminded the group that a report out is usually shared after the committee returns from Executive Session. It was noted that some committee members thought they went into Executive Session during the August 8th meeting. Melissa then suggested that a vote on the minutes be deferred until staff can check the minutes for accuracy.

12.18.2025 09:15/00:10:38

MOTION

Melissa makes a motion that staff amend the minutes to reflect that the committee went into Executive Session and that the Committee defer voting on approval of the minutes until they are amended and have time to review the notes to reflect that they are accurate.

- Lindsay: Second

Kawika expressed concern to Danica that Limited Meeting notice did not reflect what was voted upon.

- Danica confirmed that since the meeting has already occurred that there is nothing to do except note that it did not conform to what was voted on and moving forward that all notices encapsulate what was voted on. She also recommends that if the Committee wants more conversation about a Limited Meeting that this be agendized for another meeting.
- Kawika wants to ensure that public announcements follow what the committee voted on.

12.18.2025 09:18/00:13:14

MOTION

Kawika made a motion that staff will revise the minutes for the August 8th meeting to reflect if the Committee went into Executive Session and to include if there was discussion of the public site visit.

- Melissa: Second
- Motion passes unanimously.

Lindsay clarified that she thought the Committee went into Executive Session regarding this topic at a separate meeting in November.

12.18.2025 09:21/00:16:20

ITEM 3. REQUEST FOR RECOMMENDATION TO THE BOARD OF LAND AND NATURAL RESOURCES TO APPROVE, AMEND, OR REJECT THE KAHEAWA WIND POWER I HABITAT CONSERVATION PLAN FOR THE PROPOSED CONTINUED USE OF THE WIND GENERATION FACILITY LOCATED AT UKUMEHAME, ISLAND OF MAUI, TMKS (2) 4-8-001:001 (POR.) AND (2) 3-6-001:014 (POR.).

Kinsley McEachern presented, on behalf of the Division of Forestry and Wildlife HCP Section, background on the status of the KWP I Habitat Conservation Plan.

12.18.2025 09:31/00:26:25

Questions and Comments from the ESRC Members

Kawika expressed that there were other concerns made at previous ESRC meetings that were not included in the DOFAW staff presentation.

- Kinsley commented that the comment matrix contains all concerns that the Committee posed.
- Karen mentioned that the matrix contains many concerns that were marked as resolved that some committee members may feel are not resolved.

It was clarified that DOFAW considered the aforementioned comments to be resolved so Karen asked for more discussion. Melissa also voiced that resolved comments may not reflect the Committee's stance.

Melissa mentioned that public testimony also voiced concern over mitigation sites being off-island. In the future DOFAW and applicant should factor in ample time to find mitigation options on-island.

- Kinsley mentioned that for bat mitigation KWP created a more detailed plan for their actions on Moloka'i, and added detail for developing their mitigation plans on Maui for the second half of their mitigation requirement. They do need to exhaust options for mitigation on the island of take first and then consider expanding to Maui Nui. Section 6-3-4-4 outlines that KWP will continue mitigation on Maui to fulfill approximately half of their mitigation requirement.

Kawika asked about mitigation for seabirds on Lāna'i.

- Kinsley stated that 'ua'u mitigation was modified to be on Maui at the High Alpine Wildlife Sanctuary near Haleakalā.

12.18.2025 09:40/00:35:39

Karen commented that the current language for bat mitigation is not definitive that these actions will occur on Maui and leaves the door open to the remainder of the mitigation on Moloka'i or Lāna'i.

- Melissa stated that perhaps the Committee could introduce a timeline for KWP to find mitigation sites on the island where mortality is occurring. What are the Committee's thoughts?
- Molly stated that all site specific come before the ESRC for review.
- Melissa emphasized that there needs to be a temporal bound.
- Lindsay agreed that there needs to be measurable metrics that are time bound.

There was continued conversation between committee members and Molly on this topic.

Karen mentioned that from USGS's perspective the HCP wording needs to not be left open to searching for sites in Maui Nui. She stressed that this could set precedent for other wind facility on Maui to look off-island for mitigation options. If future research shows that there is strong connectivity for bat populations across Maui Nui applicants can then come to the ESRC and discuss. The current state of the science does not support off-island mitigation for bats.

Kawika stated that in past meetings he had mentioned concerns with searcher efficiency modeling. He was curious as to where this was reflected in the matrix.

- Kinsley stated that in the matrix this is included as a "general recommendation" and in the HCP it is section 6-4-1-1. She then provided more information on this topic from the comment matrix.

Karen wanted to know if wind speed and direction would be included in future discussions on searcher efficiency.

- Molly stated that wind speed and direction could not be considered in the current models

12.18.2025 09:52/00:47:04

David G. Smith enters the meeting. Afsheen Siddiqi still represents the committee member with voting privileges for the Department of Land and Natural Resources seat.

12.18.2025 09:52/00:47:39

Molly Stephenson presented, on behalf of Terraform, an update on revisions to the KWP I Habitat Conservation Plan

12.18.2025 10:05/01:00:38

Questions and Comments from the ESRC Members

At the request of Afsheen Molly presented the updated DWP information. Jenny provided additional information on the statistics related to carcass distribution. Melissa mentioned that there are concerns regarding how searches only happen on the pads and roadways. There was discussion regarding wind directionality and how this influences the ability of a dog to detect a carcass.

12.18.2025 10:15/01:10:10

Jenny Taylor presented a graphic depicting 'ōpe'ape'a fatalities at KWP I. Melissa suggested that they also collection information like if the carcasses were found by dogs, what was the predominate wind direction on the days prior to that. This way it is possible to better understand where to search for carcasses. Troy asked if the committee wanted a site-specific model using the collected data. He said this is something that they could attempt to do in collaboration with the US Fish and Wildlife Service.

Jenny mentioned that when they are searching in an area that is limited for the carcass distribution then they must correct for this. One corrective factor is the spatial coverage variable in the evidence of absence (EOA) model. This value is going to be reduced to reflect distribution determined after 19 years. Now with yellow-faced bee it is now more difficult to search outside of the pads. Jenny agreed with Troy that they could develop a new model, but they have been using models that went through the peer review process.

Karen thanked Jenny for providing the plot and asked for it to be in the HCP or at a minimum the annual reports. She then encouraged everyone to review the KWP I HCP, page 167. She noted that most of the search area is in the upwind area that is not being searched. Jenny mentioned that this is a conglomeration and that the locations of the pads and road varied by turbine. Dalthorp 2024 was selected because it was the most applicable to the site.

12.18.2025 10:27/01:22:56

Jenny spoke to the question of: is the DWP inflated? A smaller DWP increases the fatality estimate. Troy provided the example of if you decrease the DWP you assume that there are more bats you are missing per bat you find. Troy suggested that if they could collect more data,

conduct additional analysis and determine if there are any trends. If there are these could be shared with the ESRC.

Karen commented that a reduced DWP value produces a more realistic fatality estimate. She does not feel this is a resolved issue.

- Troy mentioned that since they are seeking approval that more work on this could occur because they will be working within the take limit. He wants to open the door for a decision on the HCP today and a commitment to more work on this model in the future.
- Afsheen mentioned this could be included as adaptive management. If there is more data in the future, they could revise the way take is calculated.
- Jenny stated that with every new fatality found they will continue to evaluate the effects on the DWP.

12.18.2025 10:37/01:32:45

Jenny mentioned that dating the age of a fatality is not an exact science. This complicates determining what the wind direction was on the date of the mortality. Afsheen asked if the commitment to refining and developing the model was in the adaptive management table. Molly confirmed it was not in the adaptive management section; it is just mentioned in the post construction fatality monitoring section. There is language for a changed circumstance and new technology.

Melissa asked how to speed up this development process. Molly reminded everyone that quarterly reports are submitted to the Agencies and an annual report is submitted to the Committee. Melissa advocated for adaptive management triggers. Jenny said the most natural trigger they will use is fatality data. Karen mentioned she wants to see this data included in annual reports.

12.18.2025 10:47/01:44:27

BREAK

12.18.2025 10:56/01:53:40

RETURN FROM BREAK

Afsheen asked everyone to turn their camera on. She also commented that Committee members should think of framing guidance or comments as a specific ask or action they would like to see implemented in the HCP to move the document forward today.

Kinsley noted that DOFAW Maui and DOFAW entomologists were on the call and that they had a time constraint. Janis, State Entomologist, thought that based on communications and what was presented she is satisfied. She felt finer details and budget points will be worked out as they move forward.

Kawika asked a specific question regarding the experimental plots and who is responsible to find the 25 nests.

- Janis commented it is DOFAW or an approved contractor.
- Kawika asked if the applicant or State was paying for the work

- Molly mentioned that they will be funding the projects, and that money would potentially go through the endangered species fund.

Paul stated that 25 nests *in excess* of the number of nests produced in the control plots must be located in the management plots. He wants this spelled out explicitly in the HCP.

- Kawika agreed this was a good thing to do.
- David Smith asked how recommendations play into the approval process.
- Afsheen shared that when a vote is taken it would be with the follow amendments that staff certify are addressed.

Molly and Kawika thanked Janis and Paul for their input and help on this plan.

12.18.2025 11:04/02:01:17

Kawika noted that net environmental benefit was only referenced for bats, not the other covered species. He asked the applicant to provide this information as a whole or, for each species.

- Molly mentioned that it should be discussed in section 6.5, which is related to all species. All mitigation is designed to produce more covered species, and that the proposed conservation management actions could benefit more species.
- Kawika asked for the page number of the language in question.
- Molly stated it was page 120.
- Troy mentioned that it is easier to articulate benefit for species where you can count offspring. For other covered species like birds and bats, where it is difficult to count offspring, it is easier to articulate net environmental benefit.
- Afsheen it is also included in the HCP tables.
- Molly mentioned this is also phrased as net conservation benefit in the HCP document.
- Kawika noted this is different from HRS § 195D.

Kawika wanted to highlight that the applicant says, “enhancing overall habitat quality and supporting other native species and ecosystem function”. He believes this is the intent of the statute. He appreciates the applicant stating this.

Afsheen reminded the committee that the language for bat mitigation needs to be improved. Committee members agreed that mitigation needs to remain on Maui.

- Molly stated they are fine with making that commitment and that was their intent.
- Troy added that they would include language that mitigation sites would be found within five years unless other directed by DOFAW, US Fish and Wildlife Service, and ESRC.

Karen stated that she has questions on the low wind speed curtailment section. She was curious if there will be low wind speed curtailment from December 15th to February 15th.

- Molly stated that they will remain with their current protocols which is feathering below manufacturer cut in speed.
- Karen stated the text is misleading. She does not remember talking about a period of no curtailment.
- Kawika asked what page Karen was looking at.

- Karen responded page 86 of the PDF.
- Molly mentioned that this information has been presented before and that there are no fatalities between December 15th and February 15th.
- Kawika mentioned that there is public testimony on this.

12.18.2025 11:14/02:11:50

Questions and Comments from the Public

David Henkin provided testimony on behalf of Earth Justice. He advocated for KWP I to implement low windspeed curtailment year-round.

Kawika agreed that makes sense. Melissa wanted to note that acoustic detections are not necessarily a proxy for presence or absence. Molly provided additional graphics that provide detail on when to target curtailment. Melissa suggested that if the project sees equivalent mortalities in other months that it could be an instant trigger for adaptive management and the project would implement curtailment across the entire year. Afsheen liked this idea, she expanded this to say that if there was even one fatality that this would trigger the proposed adaptive management,

12.18.2025 11:22/02:19:34

Kawika asked for the applicant to explain why it is impracticable to do low wind speed curtailment at 6.5 m/s year-round.

- Molly stated our interpretation of maximum extent practicable also considers mitigation as well as minimization. And so, we're balancing those two items while also still trying to achieve the renewable energy goals of the state. And um and so our proposed low windspeed curtailment is targeted at the wind speeds and months in which activity it and risk to bats is presumably highest.
- Kawika asked if this concurs with the AG's interpretation of the law.
- Danica stated that she prefers to discuss in Executive Session as opposed to Open Session.

12.18.2025 11:23/02:20:34

MOTION

Kawika makes a motion to into Executive Session to discuss the legal interpretation of maximum extent practicable according to 195D.

- Melissa: Second
- Motion passes unanimously

12.18.2025 11:24/02:21:18

EXECUTIVE SESSION

12.18.2025 11:51/02:48:58

RETURN FROM EXECUTIVE SESSION

Afsheen reported out a summary of the conversation that occurred in Executive Session. The State's interpretation of maximum extent practicable does not include a balancing of the minimization and mitigation measures against other factors. She also disclosed that during the session, ESRC member Michelle Bogardus joined the committee's discussion to weigh in on the difference between the Federal interpretation of maximum extent practicable and the State's

Kawika wants to add to the list of recommendations that be an amendment to 6.5 m/s wind speed curtailment year-round.

David Henkin provided additional comments about the Hawaiian hoary bat noting that mitigation is essential, but its efficacy is uncertain. Therefore, it is critical that minimization is conducted to the maximum extent practicable as a first priority.

Troy noted that even with the addition of a blanket 6.5 m/s curtailment there would only be a predicted increase in one bat fatality over 25 years. The project would not seek a higher take request. It would only result in a loss of energy production.

12/18/2025 11:58/02:55:29

Karen directed the committee to look at HCP page 94, PDF page 104 regarding mitigation on Maui Nui. She mentioned that the strength of the evidence is overstated and that there is an inappropriate use of citations.

- It was stated in the document that Hawaiian hoary bats forage over open ocean. This is incorrect, this species has been observed foraging in near shore areas.
- It was stated in the document that a USFWS 2018 publication was cited stating that 'ōpe'ape'a migrate nightly from Kaho'olawe to Maui and possibly Lāna'i on a nightly basis. This is actually a KIRC (Kaho'olawe Island Reserve Commission) newsletter. And the original source indicates that this occurred only during certain months of the year.
- It was stated in Section 6.3.4.3 that there is movement of this species between islands, but currently there are no genetic samples from Lāna'i or Moloka'i. The current state of the science does not support the comment in this HCP section and should be revised to correctly reflect the best available science.

Afsheen thanked Karen for these corrections. Karen then stated that the migratory behavior of continental congers should not be applied to our native species.

Afsheen stated that there was a loss productivity comment which stated that if mitigation was not implemented in a timely fashion there would be a 5% increase in mitigation. In other HCPs this is calculated using biological aspects of the species in question.

- Molly clarified that it is a 10% increase in mitigation for nēnē, and this was based on the take estimate to-date.
- Afsheen mentioned that the State is focused on seabirds.
- Molly clarified that in the current HCP it is 5% and it is based on 20.5 years of take. For every year of lag the mitigation would increase by 5%. She is happy to look at how this is calculated with DOFAW.
- Troy asked if this is in reference to take that occurred before mitigation.
- Afsheen confirmed this.

Afsheen would like to see this loss of productivity calculation in the HCP. This was included in the last HCP for this facility.

- Troy and Molly agreed that this would work.

12.18.2025 12:10/03:07:26

Questions and Comments from the Public

Kinsley McEachern read testimony from Michael Whitby

Molly shared that their models include multiple years of data from much larger search plots. So, while today they are only catching 50% of the bat fatalities, the modeling was based on a larger data set.

- Karen asked if that was when they were using canine detection.
- Molly stated that Jenny would know when canines were used. She then shared that when Meline ran this DWP analysis, they did include incidental finds that had been found outside of our current search plots by the dogs. She also stated they were searching more frequently in the past.

Kawika asked for the testimony to be forwarded to the Committee. He then asked if Michael was at the meeting. He then asked Michael about a remedy for this situation.

Michael shared there are no remedies, but they could construct a custom DWP calculation. He then shared information about wind direction data and the need for current wind directions.

- Kawika asked if his models were implemented
- Michael said they were. He then shared one of his models were implemented in California and another mainland city.
- Troy commented: I think as Michael rightly pointed out like it is rare to do this for an individual project. So, I think exploring it is certainly something we want to do. I don't know that we can, we don't really know what the outcome of that's going to be. I would say we should commit to exploring that utilizing the data we have. You know probably initially at least erring on the side of the simple versions that Michael was alluding to and then if we have to get complex we can. We don't want this to take forever. Working on this fits into adaptive management. He then advocated for developing something and coming back to the Committee at a later time in February or March 2026.
- Kawika commented: It seems like adaptive management is a viable pathway to explore. You mentioned a willingness to make a commitment. Could you maybe articulate what such a commitment might look like in writing? He also voiced concern about if the model produced results that were contrary to the HCP. How would this effect adaptive management?

12.18.2025 12:21/03:18:23

Troy provided answers to Kawika's questions. Afsheen commented that there needs to be a timeline placed on the project producing this model.

Kawika then asked Michael: "I'm curious that if there's any chance as a part of your public testimony, you might be able to submit the model that we're looking for here?..."

- Michael then answered that without the data it is difficult. He could submit a simplified example though.

DOFAW staff, the Committee, and the applicant worked on establishing a timeline for this model. This was recorded in the recommendations slide.

For yellow-faced bees Kinsley commented that DOFAW wants to ensure that targeted surveys are conducted annually. Additionally, the Division wants to see long term management of the site. Janis provided details on these items. She also mentioned that DOFAW wants to see ironwood management potentially expand out of the proposed area and not just be confined in the experimental plots for 25 years. This entails more funding to complete the proposed work. Molly commented this might be covered by adaptive management. Kawika commented it should be reasonable to expect more area to be managed. This was recorded in a committee recommendation.

Afsheen commented that the Committee could recommend the plan for approval with amendments.

12.18.2025 12:37/03:34:14

Kinsley shared the recommendations slide with the Committee for their review. Paul provided edits to the recommendations. These were incorporated. Troy and Molly also made contributions. A question was asked about GPS data being available for all carcasses. It was commented that between 2007-2010 this data might be missing.

12.18.2025 12:47/03:44:11

Development of recommendations continued. For bats there is a complete set of data, with the bearing of turbine, but not the wind. Data sharing rights were discussed. David Henkin commented that deadlines need to be added to recommendations.

12.18.2025 12:56/03:53:58

Development of recommendations continued. There was discussion about bat mitigation on Maui versus off-island. Melissa commented that it would be appropriate to have a lunch break since it is 13:00. Lindsay commented that she needed to leave to pick up a child from school early. She will return at 13:30.

12.18.2025 13:01/03:58:51

Lindsay leaves the meeting. Crafting of recommendations continued. Karen asked what the process is for approval with amendments. Afsheen shared that approval to the BLNR is conditional upon the completion of the listed amendments.

12.18.2025 13:01/03:58:51

MOTION

Karen made a motion to the approve the KWP I HCP with listed amendments.

Kawika: Second

The motion passes unanimously.

12.18.2025 13:07/04:04:29

BREAK

12.18.2025 13:32/04:29:13

RETURN FROM BREAK

12.18.2025 13:32/04:29:28

ITEM 4. REVIEW OF THE KAUAI ISLAND UTILITY COOPERATIVE SECOND DRAFT HABITAT CONSERVATION PLAN—EXECUTIVE SUMMARY THROUGH CHAPTER FIVE

Afsheen reminded the committee that during the August 8th meeting the Deputy AG asked all ESRC members to disclose if they privately met with KIUC and what was discussed. All committee members present (Karen, Kawika, Lindsay, & Melissa) with the exception of Michelle did not meet with KIUC. Michelle meets regularly with DOFAW and the applicant.

Jesse Adams presented, on behalf of the Division of Forestry and Wildlife HCP Section, background on the Second Draft KIUC Habitat Conservation Plan.

12.18.2025 13:43/04:40:02

Questions and Comments from the ESRC Members

Kawika noticed that the site visit was not included on the timeline slide. Jesse confirmed that a site visit did occur on October 22nd. Kawika noted that he has not seen net benefit mentioned in the HCP. Jesse confirmed that this is also a concern that DOFAW shares and is one of their approved recommendations for this plan. Specifically, to include a table with net benefit and net environmental benefit. Kawika encouraged the committee to think broadly about net benefit.

Melissa asked Dawn to speak to the motivation that KIUC has to get this plan done. Dawn commented that KIUC wants to get this done as soon as possible. They are currently implementing most or all of the seabird conservation actions. However, they still want to see the HCP approved and be issued an ITP/ITL. Melissa commented that the take request is very high compared to other HCPs. She went on to say that it seems like the Agencies do not feel this is close to completion. Michelle commented that even she is anxious about the request take numbers. She then went on to highlight that KIUC has been working with the Agencies on comments. She feels the project is never closer to approval than now and approval is in the best interest of the species.

Melissa asked for a track changes version of the document to be shared with the committee moving forward. She is glad to hear from Michelle's perspective that this is close to being done.

- Dawn asked if she wants a red line version of the January 2023 version to now.
- Melissa commented she just wants to see a track changes version moving forward.
- Dawn commented they do share track changes with the Agencies.

12.18.2025 13:54/04:51:21

Lindsay shared she has about an hour before she has to leave the meeting and wants to share her comments now. Dawn indicated that was okay, and that KIUC would present later in the meeting. Melissa and Kawika agree with Lindsay sharing her comments now.

Lindsay asked about the proposed 1% growth rate from mitigation in relationship to the percentage of the population that is being removed every year by KIUC's take. Is this growth rate after take or over and above what the starting population is?

- David Zippin wants to clarify what the take request means and agrees that what DOFAW staff presented is correct. He shared that the take request is made of take from several sources. For powerlines they are unsure how many birds actually die after they hit the lines. 70% of the take request for the covered seabirds does not result in mortality based on the assumptions of the HCP.
- Melissa mentioned there is a whole section that speaks to the different types of mortality or injury.
- Lindsay mentioned that even with the information that David Zippin shared about 3% of the population is being taken and only 1% is produced to replace this.
- David Zippin showed Table 5-6 which breaks down the take request. He also shared that KIUC did not use at sea measures of seabird populations.
- John commented that there are two scenarios in the second draft. The take request is not coming from the stable trend scenario, that has an 8% growth which is never realized. It is closer to 4% for the Hanalei to Kekaha area. Take is not being projected on the worst-case scenario.
- Lindsay said KIUC does not need to model this since they have 10 years of data. She noted there is an 87.2% reproductive success rate, which is the highest she has seen for seabirds. She is worried about the project consistently hitting this rate. She feels it is too optimistic and not sustainable.
- John commented these numbers are coming from data.
- Dawn shared they feel confident about these numbers and says they are consistent for Newell's for at least five to eight years.
- Lindsay advocates for the precautionary principle and spoke about the effects of ENSO on seabirds and the variability this phenomenon produces. She does not feel this is sustainable for 50 years and advocates for a more conservative reproductive success rate.
- John stated that a different reproductive success rate is used in the models it ends up with zero or negative growth rates which do not match the data. Also, they are using an average over three years.
- Lindsay stated this is not long enough and needs to be at least five to eight years, ideally with one climatic cycle that they are vulnerable to.
- Dawn shared they did a deep dive on reproductive success rates. The ten- or five-year average was not that different from the three-year average. They could reduce the 87% reproductive rate, but that is what the project felt comfortable with.
- Melissa asked what a more realistic reproductive success rate is.
- Lindsay answered closer to 80%. She reiterated that choosing a higher rate could quickly trigger adaptive management.

- Melissa stated that if KIUC needs to use an 87% reproductive success rate to model what they are observing one of the other model parameters is wrong. She asked if Lindsay had an idea what this might be.
- Lindsay: I do not.

12.18.2025 14:13/05:10:12

Lindsay noted there is internal inconsistency in the document about survival to age one. It is also unclear how calculations were to survival at age one. She went on to say that birds are not banded and there is no long-term mark recapture data for this colony.

Michelle asked the committee to look at the biological goals and objectives on page ES-11. The growth rate for breeding pairs annually of at least 1% on a 5-year rolling average and maintaining a 5-year rolling average of 87.2 reproductive success rate. So, the 5-year average is key. She mentioned that she could talk to modelers at the Service and see if that is appropriate for their modeling scenarios. Remembering the Service is using a separate model.

- Dawn commented they hit 87% every year for 'a'o, but not for 'ua'u which has more variability. She shared they did not use the 10-year data because it is not that different from the three-year average, and that there have been many changes to the predator control program.
- Lindsay stated that this is due to contractor variability and should be considered for a 50-year project.
- Melissa advocated for the use of the 10-year data set.

12.18.2025 14:19/05:16:51

Lindsay then moved on to comments focused on social attraction. In a global analysis she conducted on social attraction it shows that this is a very slow process. Also, the number of social attraction fences proposed for this project is too high for the landscape. The general commentary from New Zealand, who developed both social attraction and predator exclusion fences ahead of everyone, is that there should not be more than one social attraction site per 100 kilometers. This is because you are drawing from the same general population of birds. Building more social attraction sites across Kaua'i just redistributes the population. She feels Honopū and Pōhākea are spaced appropriately, but not the KSHCP site. She feels that the mitigation actions should be focused on protecting existing colonies. It was also noted that the reproductive success rate for predator exclusion fences is just 2% higher than without those fences. The time and money put into the fences would be better used for management.

- Melissa mentioned that the State has concerns about the impacts of predator control on the landscape outside of the fences. This was especially noted for impacts to rare plants and that the applicant should not switch exclusively to landscape level predator control.
- Lindsay also said there a lot of impacts to vegetation from building fences.

Lindsay asked if any modeling has been completed for what it would look like without the social attraction component for fences that have not been built, recognizing that two are already implemented.

- John commented that a run with just predator control and no social attraction sites has not been completed.

Lindsay then asked if Upper Limahuli was still included in this project.

- Dawn commented they are in on-going negotiations with NTBG. They are looking at alternative sites incase they cannot include Upper Limahuli.

Melissa asked Lindsay if the area of all the mitigation sites was sufficient for the 500,000 birds at the end of the stable trend scenario. There was some discussion on this topic. Dawn clarified that secured mitigation sites might only mean Upper Mānoa, since this is the only executed land agreement they have. It was noted that Limahuli makes up a large portion of the mitigation site acreage. Based on the full acreage, 1900 ha, the density of birds is extraordinarily high and that KIUC would struggle to support that number on the landscape. Melissa commented she thought the mitigation acreage shrunk over the development of this HCP. Michelle commented that it has grown.

12.18.2025 14:33/05:30:10

Michelle reminded everyone that the HCP we see today is made of changes that the ESRC and others have proposed. Melissa would like to see automatic triggers for adaptive management and go with conservative assumptions.

Lindsay commented that funding to SOS should be proportional to the credits KIUC receives.

- Dawn mentioned some of this is in Chapter 5.
- Lindsay would like to see the operating budget for SOS and the amount KIUC is funding.
- Dawn mentioned they currently fund about half of SOS.
- Afsheen mentioned this is probably more important for waterbirds.
- David Zippin noted that other HCPs are using SOS.

Lindsay wants KIUC to consider translocation of 'a'o off-island as an additional management action in the event there is a stochastic event.

- David Zippin shared that the Agency's guidance was to focus on maintaining and enhancing a viable metapopulation on Kaua'i. Based on the data KIUC has from translocation operations they engaged in, the utility is not comfortable with participating in translocation.
- Dawn clarified they are concerned about the return rate which translate to growing the colony.
- Lindsay will now listen remotely for the rest of the discussion.

12.18.2025 14:46/05:43:34

Melissa asked if KIUC can follow up on biosecurity to include the potential introduction of ants. Also, how will landscape scale impacts on impacts on vegetation and rare plants be accounted for.

- David Zippin mentioned this is included in Chapter 4 and the appendices.
- Melissa mentioned that KIUC needs to think of net benefit for the whole ecosystem.

Melissa asked how communication with DOFAW is built into the coordination required for the HCP.

- Dawn commented this is not in the HCP, but that she was under the impression this would be included in land access and permits required for work.

Mason mentioned there is no Little Fire Ant monitoring at baseyard included in the plan and highlighted its importance. With the rate of LFA spreading on Kaua'i, this is a gap in the plan's protocols.

Dawn stated they agreed to developing a standard predator control protocol with the Agencies and that biosecurity protocols will be included in that document. It is not ready today, but a draft is nearly completed.

12.18.2025 14:55/05:52:29

Melissa asked the Deputy AG how the law/policy treats secondary impacts that can occur as part of the mitigation action.

- Danica stated if they are impacted because of the project they be discussed in the HCP if they are going to be mitigated through the HCP. Also, an EIS should include an analysis of potentially impacted plants.
- Dawn commented the EIS does include impacts to plants.
- Danica stated that HRS § 195D-21B2 does speak to ecosystems and natural community habitat types of all endangered/threatened proposed candidate species. So, if plants are there that are endangered/threatened they should probably be mentioned as well if they are known or reasonably expected to be present.
- Michelle commented that DOFAW admin nor the Service considered there would be any likelihood of plant take.
- Danica went on to say 195D-21B2 is talking about identifying those types of things. So, it's not necessarily requiring any type of mitigation or minimization. But of course, if there are extremely rare plants, there should be minimization steps taken and contingency plans if there is harm.
- David Henkin commented that if KIUC takes listed plants while conducting any activities this does qualify as take and needs to be authorized under an ITL issued by the State. The Federal ESA has different restrictions on harm to listed plants. It still has to be addressed.
- Chris clarified that there were 6-7 endangered species seen by the committee on the site visit. He then went on to state that predator control management actions do have impacts on the endangered plants in the area
- Sheri asked about how many individuals are in a honu nest.
- Melissa encouraged Sheri to speak to biosecurity and rare plants.
- Sheri shared that the language in the HCP does not adequately address invasive and rare plants. Particularly controlling invasive plants.
- David Zippin mentioned protection of endangered plants is included in Attachment 2 to Appendix 1B. For best management practices to control invasive species this is included in Appendix 4D.
- Sheri feels that both are insufficient.

- Kyle commented that the District Botanist Adam Williams or PEPP staff assisted with establishing the access trails that predator control contractors use.
- Afsheen said DOFAW should investigate if there is unavoidable impact to plants.
- Michelle does not advocate for adding listed plants to the HCP.
- Sheri reiterated that the vegetation control component is lacking.

12.18.2025 15:14/06:11:54

David Smith would like to see the ESRC comment on the plan and weigh in. What we see on the ground now is what we can expect.

Kawika would like to hear the applicant's perspective on net benefit/net environmental benefit.

- David Zippin presented on this topic.
- Kawika shared that his concern is also that there has been a disproportionate amount of focus placed on the Federal law and almost complete neglect for the State law, citing net environmental benefit as the key difference between the two. He does not feel that net environmental benefit has been addressed. There are several habitat modifying organisms in the mitigation sites to include Himalayan ginger. He noted there is no commitment to controlling these weeds.
- David Zippin provided an initial response stating that there is commitment to controlling invasive plant species in conservation measure four.
- Kawika asked for more detail.
- Dawn commented that the draft does list specific species KIUC will be controlling. They also agreed to develop a vegetation management plan with the Agencies over the next few years.
- Kyle commented that there has been significant seedling recruitment within predator proof fences and in areas with rodent control.
- Kawika wanted to know if there was a commitment specific to controlling Himalayan ginger.
- Dawn shared this might be Chapter 4 or Appendix 4D. She said that invasive species are controlled based on their connection to seabird mitigation.

12.18.2025 15:45/06:42:32

Questions and Comments from the Public

David Henkin shared that Earth Justice's concerns about the failure of KIUC to minimize and mitigate take to the maximum extent practicable. He also stated that in the DEIS there are alternatives, specifically C & D, that have been determined to be practicable by the Agencies. KIUC has not explained why they are not practicable. Since the Agencies have identified additional take minimization and mitigation that is practicable and therefore the law demands nothing less. He also shared that KIUC streetlights should be converted to low blue light. These are already present on Hawai'i, and these lights have less than 2% low blue light. DOFAW is on record recommending this to Maui County. He also mentioned the importance of putting motion sensors on lights. Finally, he stated the importance of Upper Limahuli being included in the HCP.

12.18.2025 15:54/06:51:16

Dilek commented that there is an issue with how KIUC is using their models. She also noted these are based on limited data. She does not feel the precautionary principle has been implemented. She does not feel that the true population dynamics are reflected. She is concerned that by only monitoring the breeding population, declines in the non-breeding population are not being noticed. This could lead to a silent decline in the overall population. She is also concerned about using take number to back calculate starting population numbers. It needs to be measured. KIUC should not use the stable model for the take request. She feels the adaptive management for this HCP is not strong enough. If the HCP is approved with the proposed take request, there will be declines in the population that are difficult to detect.

12.18.2025 16:02/06:59:52

Mimi answered Sheri's question about turtle nests and described how difficult it is to detect a nest with eggs since a female may dig multiple nest pits. She referenced a light attraction event at Kekaha in 2023 and that they are seeing more turtles around the island. She cautioned the committee that turtle nest shielding is not an exact science and that some hatchlings are still negatively impacted by anthropogenic lighting. It will take significant time to monitor the seven beaches for nests. Additionally, she questioned if saving injured sea turtles was included as a net benefit or mitigation.

12.18.2025 16:07/07:04:48

Chipper testified on behalf of National Tropical Botanical Garden. He shared that the biosecurity concerns are real and that it led to their renegotiation of their land agreement with KIUC. He feels net benefit is present in the HCP in a cursory form. It has also been a sticking point in their negotiations. He feels they are close to an agreement with KIUC. He found Lindsay's comments regarding predator proof fences to be of great interest. The Upper Limahuli Preserve is key to KIUC's conservation strategy.

12.18.2025 16:20/07:10:50

Chris wanted to echo many of the comments regarding vegetation maintenance. There are 62 T&E species that occur across the mitigation sites. These species need to be monitored.

Kawika appreciated David Henkin's comments and would like to make a recommendation in line with that testimony, (i.e. minimization & mitigation).

- Dawn feels there is not enough information in the EIS to assess these alternatives.
- Kawika asked about changing streetlights.
- Dawn clarified that KIUC does not control location, wattage, or illumination. If the county or the State were to adopt an ordinance KIUC would conform to this.
- Mimi said the public needs to be activated so that lighting standards can be changed.
- David Henkin does not agree with KIUC's position on changing streetlights.
- Afsheen asked about how the lights were changed to LED bulbs.

- Dawn clarified that this was accomplished through an agreement with the State and county.
- David Zippin noted that Conservation Measure 6 focuses on working with the county to determine what can be done about lighting.

12.18.2025 16:34/07:24:40

Dilek asked KIUC if there are lines that have take, why minimization is not being implemented. Dawn provided background information. Lines that are not minimized have a very low number of strikes. Dawn then provided information about how minimization has reduced take to-date. Dilek asked about how often the strike model is being updated. She also commented that because KIUC is trying to establish a baseline to calculate the reduction they are still allowing birds to hit the powerlines. Dawn provided clarifying information on how the strike model is refined. She also commented that Powerline Trail is fully minimized. Afsheen asked if every line on Powerline Trail is minimized. Dawn commented that every span has been minimized, and diverters are only present on the top wire on the side of low bird flight.

Afsheen commented that the committee would lose quorum soon. Jesse provided updates on future meeting dates.

12.18.2025 16:43/07:35:56

ITEM 5. ADJOURNMENT

Afsheen made a motion to adjourn.

- Melissa: Second
- The motion passes unanimously.