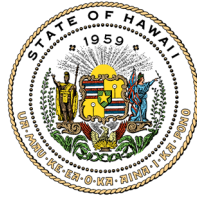


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
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CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

ENDANGERED SPECIES RECOVERY COMMITTEE (ESRC) PUBLIC MEETING

DATE: October 24, 2025

TIME: 9:00 AM HST

LOCATION: DLNR – DOFAW Main Conference, Kalanimoku Building 1151
Punchbowl St, Room #325., Honolulu, Hawai'i
Online via Zoom; and Livestream via YouTube recorded at
<https://www.youtube.com/watch?v=dSDMy4iKJmQ>

DRAFT MEETING MINUTES

MEMBERS

Jason Omick
Lindsay Young
Lisa Spain

Melissa Price
Kawika Winter

STAFF

Kinsley McEachern — DOFAW
Kelli Yamaguchi — DOFAW
Cindy Young — DAG

OTHERS

Adrian Gall—ABR Environmental
Lisa Bail—Goodsill
Dilek Sahin—KESRP
Molly Stephenson—Terraform

Lauren Attanas—ABR Environmental
Pat Porter—County of Kaua'i
Kathryn Leonard—County of Kaua'i
Tory Rahmig—TetraTech

10.24.2025 09:01/00:01:43

ITEM 1. CALL TO ORDER

Jason Omick called the meeting to order and asked all participants not to use the comments feature in Zoom but rather send them to the DOFAW HCP e-mail address. He also provided information on where to find meeting materials. He then asked the HCP staff to introduce themselves followed by the Committee members. Mr. Omick then announced the agenda for the meeting and reminded presenters to stay within their allotted presentation time.

10.24.2025 09:05/[00:05:57](#)

ITEM 2. NOTICE THAT THE RECORDING FROM THE ESRC LIMITED MEETING OCTOBER 22ND, 2025 FOR THE ON-SITE INSPECTION OF THE HONOPŪ PREDATOR EXCLUSION FENCE AND SOCIAL ATTRACTION SITE FOR THE SECOND DRAFT KAUA'I ISLAND UTILITY COOPERATIVE HABITAT CONSERVATION PLAN.

Kawika expressed confusion regarding what the term “limited meeting” meant. There was some confusion as to what the term meant. Kawika mentions that he initially stated that if any able-bodied individuals show up who are passionate about seabird conservation, they are welcomed to the meeting, but when the agenda came out, it stated that the meeting was not open to the public.

10.24.2025 09:08/[00:08:42](#)

MOTION

Kawika motioned to go to an executive session to discuss the nature of the limited meeting that occurred on Kaua'i, two days ago. Lisa Spain provided a second to the motion.

The motion passed unanimously.

10.24.2025 09:10/[00:11:04](#)

EXECUTIVE SESSION

10.24.2025 09:35/[00:36:36](#)

RETURN FROM EXECUTIVE SESSION

During the executive session, the members discussed the limited meeting that was held at the predator exclusion fence on Kaua'i in Honopū. Clarification was needed on who is allowed to come to a limited meeting. The executive session concluded that the landowner and/or applicants that are involved in the project are allowed to be at that limited meeting; however, it remains closed to the public due to hazardous conditions and sensitive ecosystem. The committee is allowed to speak to the applicant and associated contractors and have them present at a site visit in the limited meeting format. If a meeting like this is held in the future the agenda will explain who can attend in more detail.

10.24.2025 09:37/[00:38:06](#)

Questions and Comments from the ESRC Members

There were no questions or comments from the ESRC Members.

10.24.2025 09:38/00:38:44

ITEM 3. STATUS UPDATE ON THE KAUA'I SEABIRD HABITAT CONSERVATION PLAN (KSHCP)

Kelli presented, on behalf of the Division of Forestry and Wildlife HCP Section, updates on the recommendation provided to the three KSHCP participants during April 2025 ESRC annual review meeting.

10.24.2025 09:48/00:48:07

ITEM 3A. STATUS UPDATE ON 1 HOTEL HANAIEI BAY, A PARTICIPANT OF THE KSHCP

Kawika had a clarifying question regarding how 1 Hotel Hanalei's property size and search area were determined. Specifically, he was seeking clarification on how the 14 landscaped acres and 11 acres deemed safe to search were calculated, what distinguishes 'safe to search' from "landscaped" areas, and how those figures relate to the total property size of 23.44 acres.

Adrian responded to Kawika's question by providing slides. The property size has been determined based on a combination of terrain steepness, the amount of vegetation that's on it, and the disturbance to guests.

Lindsay raised an additional question regarding steep cliff areas with lighting at the top: if birds are approaching low from the ocean and are attracted to the lights, could they collide with the cliff face or slope, particularly where the slope is considered unsearchable?

Adrian responded, stating that they have found birds around that area, but it is very difficult to search said area due to the steepness of the terrain.

Lindsay suggested exploring alternative methods for conducting remote searches. She compared the issue to a searcher efficacy trial, noting that if the area cannot be physically searched, there should be a way to estimate how many birds may be present within that area.

Kawika questioned why shaded areas identified on Adrian's slide, including a wetland and an access road, were considered unsafe to search. Adrian explained that the wetland area is swampy and unlit, and that the permit is based on birds being attracted to illuminated resort areas. Regarding the access road, Adrian stated that is dark, behind locked gates, and bordered by swampy terrain. Adrian suggested that he could meet with the contractor and ask them to reevaluate their safety assessment.

Kawika reiterated that it is unreasonable to characterize an access road as unsafe to walk at night when the team has flashlights and there is no traffic on the road.

10.24.2025 09:57/[00:57:30](#)

Kawika asked about the hotel's pool lighting. Adrian explained that the lights are required to stay on all night because the resort cannot have an unlit body of water on guest property. Kawika then asked whether the lighting meets the minimum required standards, but Adrian did not know.

Lindsay referenced point five on Kelli's slide about searcher efficacy and asked about the actual discovery rate. The amended permit listed a 50% discovery rate and Lindsay wanted confirmation that this rate was demonstrated during their trials. Adrian confirmed that the 50% discovery rate was the result of last year's case trials.

Adrian explained that the trials were conducted by a third party and that the inhouse decoy program will begin this season. They are using the discovery rate published from the 2024 case results.

It was requested that 1 hotel increase the number of traps and provide outreach to neighboring areas where there are residents who either have cats or feed stray cats. Moreover, consulting with another contractor is recommended because the initial contractor felt that the number of traps on the property was adequate.

Adrian clarified that the number of traps previously deployed was not the contractor's ideal recommendation for the property, but rather a negotiated level agreed upon with the property owners. She explained that the contractor presented several trapping options, and the selected level was the option chosen by the client at that time.

Adrian stated that they are deploying more traps than last year and more than the number presented on the slide. However, she was hesitant to share the exact number publicly and offered to provide it privately instead.

Kelli moved on to the third recommendation on the slide which stated all staff receive seabird and honu awareness training as part of their weekly team meetings.

Lisa Spain pointed out that this fallout season there have been challenges on how these downed birds were managed. She heard of two birds that were left and was not sure if that was following the training protocol. It is alleged that two birds were found by the 1 Hotel staff, however, they were not able to get them, so they walked away and left them.

Adrian clarified that two birds were seen. One could not be definitively identified because it was at the edge of the property, transitioning from a searchable to an unsearchable area, and then dove into thorn bushes. The team attempted to photograph it through the brush. She added that staff will not follow a bird into areas that are unsafe for people. The second bird was seen near the beach, and the team managed to photograph it before it moved into thick

naupaka. They searched for about 30 minutes, but considering the stress on the bird and the low likelihood of locating it, they decided to end the search.

Adrian highlighted out that the team on 1 Hotel Hanalei checks in with her every day. Communicating what their search efforts were the night before and what they have found.

10.24.2025 10:07/01:07:10

Kawika asked whether the birds counted as take. Adrian stated that the first bird counted as take because it was definitively identified, while the second bird was not counted as take due to the lack of definitive identification, though the incident was still reported to the agencies.

Kawika then asked the agency to confirm that the incident counted as one take, not two. Jason responded that both findings were reported and documented as take under the associated HCP but noted he would need to review the emailed report to verify how the second bird was officially recorded.

Kelli stated that both birds were considered, including the unidentified bird, which was likely an a'o. Although efforts were made to locate and recover the bird, the bird was not found. Kelli noted that DOFAW attempted recovery efforts, but 1 Hotel did not allow conservation dogs on property. As a result, unrecovered birds on the property are still counted as take.

Lisa Spain asked Adrian to elaborate on the hotel's opposition to conservation dogs. Adrian stated that it is a management decision. Lisa Bail explained that management had concerns about dogs operating in guest areas of the hotel, though the property remains open to future discussions on the issue.

Lisa Spain noted that 1 Hotel is marketed as a dog friendly hotel and suggested that guests may appreciate seeing trained conservation dogs on site. She emphasized that dogs should still be considered given the difficulty of searching the property. Lisa Bail agreed the issue is important and stated she continues to discuss it with the Agencies while deferring to management's judgment regarding guest areas.

Adrian suggested that it would be helpful for DOFAW to develop a written protocol or decision tree outlining how and when conservation dogs would be used. She explained that management lacks guidance on the process, including the circumstances for deploying dogs, the dogs' training qualifications, and how to engage conservation dog teams.

10.24.2025 10:17/01:13:27

Jason clarified that DOFAW does not develop such protocols but can review them and suggested it is the hotel's responsibility to work with conservation dog providers, who are state permitted, to understand their use. Discussion between Adrian, Kawika, and Kelli continued on this topic.

Kelli mentioned their last annual review meeting in which 1 Hotel decided that were going to amend their PIP discovery rate to 50%. This was based on 2024 Kaua'i Endangered Seabird Recovery Project (KESRP) trials. 1 Hotel will also need to amend to increase a take request for a juvenile a'o but, the capacity at Kahuama'a, is actually not able to produce the offset needed for this licensee. A new mitigation site is needed for the upcoming amendment.

Kelli next addressed the Welina Blinds, noting that they should be partially lowered during operating hours, during service, and during cleaning. She explained that when all the bar and restaurant lights are turned on for cleaning, staff should fully close the blinds so that the lights can remain on while the blinds stay down. Lastly, Kelli touched on creating an overlay of lighting where the birds are found downed, this is something that the licensee is working on and information will be provided at the next annual review.

10.24.2025 10:25/01:21:04

Adrian then presented on the property's seabird awareness and responder training programs.

Jason asked whether search teams are trained on known fallout hotspots. Adrian confirmed they are provided with prior recovery maps, predator data, and lighting information to guide search efforts.

10.24.2025 10:35/01:31:38

Adrian explained that a key limitation of KESRP-led trials is access frequency, which restricts sample size, whereas property staff can deploy decoys more regularly, allowing for larger datasets and additional training opportunities. Adrian stated that the expanded protocols are intended to improve training opportunities and potentially inform future modifications to KESRP trial methodologies.

Lindsay recommended using matte paint rather than glossy paint on the decoys to reduce reflectivity from flashlights, which could artificially improve detection rates. Adrian responded that the decoys used are the same as those used by KESRP and that consistency is being maintained.

Adrian provided an update on the permit amendment process, noting the request was submitted on June 2, 2025, and that a revised Participant Inclusion Plan is in development pending completion of a lighting inventory. She added that the discovery rate is proposed to change from 0.9 to 0.5 based on recent efficacy trials, and that preliminary analysis suggests the current mitigation site may be exceeded.

Jason recommended the road be included in the search area if access was permitted. Lindsay supported moving toward the revised 0.5 rate and suggested additional evaluation of currently unsearchable areas, including potential secondary efficacy trials.

10.24.2025 10:41/01:41:07

Discussion focused on what additional data would be needed to refine discovery rates in currently unsearchable areas.

Lindsay proposed accepting a 50% discovery rate for now and then developing a separate rate for unsearchable areas, ultimately splitting calculations between searchable and unsearchable areas. Kawika proposed a 50% discovery rate for the searchable area and 0% for unsearchable area, resulting in an overall rate of 0.25, though Lindsay questioned the scientific basis for assuming zero detectability. Kawika clarified he meant 0.25 overall across the property.

Lisa Spain asked about the amendment timeline and whether it would be implemented before the next fallout season. Jason noted that establishing a timeline would be helpful, and Kelli emphasized the importance of completing the amendment to avoid another season using the 90% rate.

Jason added a recommendation that 1 Hotel pursue an amendment to reduce the discovery rate to 50% for the searchable area, with a completion deadline of January 31, 2026.

10.24.2025 10:48/01:48:49

Discussion shifted to whether discovery rates should remain fixed or be recalculated annually based on searcher efficacy data. Lisa Spain suggested using season-specific efficacy results instead of a set number, so the discovery rate would reflect measured performance each year. Jason supported this approach, emphasizing the need for ongoing trials to determine an accurate rate rather than presetting it.

Kawika proposed adjusting the formula to explicitly include the proportion of searchable area, resulting in an additional 0.5 in the formula. He also added that searchable area does not appear to be explicitly reflected in the current calculation and should be clearly incorporated.

Adrian stated that the original permit appears to have been based on the resort's lit areas, with the 90% rate derived from approximately 14 acres minus unsearchable zones, which were not fully included in earlier calculations.

Lisa Bail noted the original 90% discovery rate resulted from a two-year consultation process with the U.S. Fish and Wildlife Service and explained that the current amendment process aims to incorporate updated lighting and searchable-area data for more precise calculations. It was emphasized that once the full PIP is compiled and reviewed, it will allow for more informed and concrete discussion of percentages and calculations, rather than relying on abstract assumptions.

10.24.2025 11:02/[02:02:04](#)

MOTION

Kawika motioned to go into executive session to discuss what recommendations can be made within the bounds of our purviews. Jason Omick provided a second to the motion.

The motion passed unanimously.

10.24.2025 11:02/[02:02:33](#)

EXECUTIVE SESSION

10.24.2025 11:22/[02:22:00](#)

RETURN FROM EXECUTIVE SESSION

During the executive session, the members discussed the amendment to the PIP to this project.

10.24.2025 11:28/[02:22:34](#)

BREAK

10.24.2025 12:30/[03:24:56](#)

RETURN FROM BREAK

10.24.2025 12:31/[03:25:43](#)

Questions and Comments from the Public

Dilek Sahin raised concerns about pool lighting as a potential issue, noting a lack of quantified data and requesting access to applicable pool lighting standards due to perceived inconsistencies across island hotels. She also referenced prior lighting audits and raised concerns stemming from earlier public comments about restaurant lights remaining on overnight. She asked for confirmation that stricter operational checks are in place, including nightly verification that screens are lowered and lights are turned off, and requested results of those checks for the current season.

Dilek also asked for more detail on predator control effectiveness, including whether individual cats are tracked over time using distinguishing features, whether repeat captures are confirmed, and whether formal efficiency metrics exist for the program. She further raised concerns about take calculations, noting that 1 Hotel reported a 50% pickup rate in 2024 compared to a 35% KESRP rate in 2023, and questioned continued use of a 90% recovery assumption. She requested consideration of recalculating take using updated recovery rates.

Lauren Attanas responded that pool lighting standards were not immediately available but would be provided. She confirmed that operational checks at Welina Terrace showed compliance, with shades being lowered after cleaning and lights dimmed appropriately. She

also confirmed that predator sighting information, including identifying features of individual cats, is communicated to the contractor to support targeted control efforts.

Lauren confirmed that when unique identifying markings or coloration are observed that information is communicated to the predator control contractor so those specific animals can be targeted.

Lisa Bail added that predator control communications between the hotel and contractor are occurring consistently and that additional documentation can be provided. She noted that searcher efficacy has improved from 35% (2023 KESRP study) to 50% in 2024, and that these values are included in annual reporting to ESRC, with both permit-based and adjusted calculations used. She also explained that revised PIP documents are incorporating distinctions between easily searchable areas and dense vegetation zones where detection is more difficult.

10.24.2025 12:42/03:36:03

DOFAW staff recorded recommendations developed by the ESRC. Kawika asked whether the previously referenced lighting standards were based on an industry standard. Lisa Bail responded that island-specific building codes include lighting requirements for certain areas, including pools, but the specific Kaaui County Code section was not immediately available and would be researched after the meeting.

Lisa Bail also noted that some properties and insurance companies may impose additional pool lighting requirements for human safety, which could vary by property. It was reiterated that the KSHCP already requires minimizing lighting to the maximum extent practicable, and that annual lighting assessments are conducted with the agencies. She stated that while minimum lighting standards may exist, additional lighting may sometimes be necessary for safety purposes.

Kawika then raised a question regarding whether “hot spot” fallout areas had been documented in the reports. Lisa Bail responded that this information would be included in the annual report after seasonal data compilation in January and presented to the committee during the regular reporting schedule in March or April of the following year. Lisa Bail further explained that maps are being developed overlaying property lighting locations with recorded bird fallout locations to support adaptive management and additional minimization efforts.

10.24.2025 12:49/03:43:45

ITEM 3B. STATUS UPDATE ON THE ROYAL SONESTA KAUA'I RESORT LĪHU'E, A PARTICIPANT OF THE KSHCP

Kelli, on behalf of the Division of Forestry and Wildlife, presented the general recommendations for Royal Sonesta.

10.24.2025 12:57/03:50:19

Lauren presented updates on implementation measures at Royal Sonesta Kaua'i Resort, including quantifying searchable areas, increasing staff training, adjusting lighting, enhancing predator control efforts, conducting surveys, and improving staffing and searcher efficiency.

10.24.2025 13:07/04:00:55

Questions and Comments from the ESRC Members

Kawika asked about the training slide presented for the Royal Sonesta Kaua'i Resort, noting that it appeared to show participation from more departments than the comparable slide previously shown for 1 Hotel Hanalei Bay. Lauren clarified that not every department represented at the One Hotel trainings had been listed on the earlier slide and explained that multiple departments at One Hotel participated in awareness training sessions.

Kawika specifically asked whether security staff at 1 Hotel had received training. Lauren confirmed that all security personnel at 1 Hotel received full seabird responder training. Additional discussion addressed whether sales, marketing, or finance personnel at One Hotel participated in trainings. Lauren stated that personnel from the marketing and finance departments attended awareness training sessions and that some supervisory staff from finance also participated in the program.

Following the clarification, members discussed additional recommendations for Royal Sonesta Kaua'i Resort. Jason recommended using matte-finish decoys in future searcher efficiency trials after observing glare from a shiny decoy in presentation photographs. Lisa Spain reiterated her support and encouraged continued development of protocols necessary for implementation.

Kawika questioned whether a grassy area shown on the property search map, which appeared to be excluded from the designated search area, was truly too steep or inaccessible to search. Kawika noted that if the area could be maintained or mowed, it may also be searchable. A recommendation was made to consider including the area in future search routes.

Jason questioned why the beach is excluded from the properties search area. Lauren stated that the beach area is believed to be searched during nightly rounds and during sea turtle season, though it was unclear whether searches occur directly on the sand or from nearby walkways. Jason emphasized the importance of physically searching the beach because grounded seabirds may remain near the high tide line.

10.24.2025 13:17/04:10:00

Questions and Comments from the Public

Dilek relayed information from Conservation Dogs of Hawai'i stating that conservation dogs have previously been used in hotel environments during search trials. She noted that dogs selected for high-traffic areas are trained to avoid interaction with the public and that the organization is willing to implement additional measures to address hotel concerns.

Kawika had clarifying questions on predator trapping schedules. Lauren confirmed that trapping efforts at Royal Sonesta occur year-round. Kawika compared this approach to 1 Hotel Hanalei Bay that traps only nine months out of the year. He suggests that Royal Sonesta should also participate in year-round trapping.

Lisa Bail highlighted the original development of the KSHCP and noted that pulse trapping had initially been considered more effective because predators, particularly cats, may learn to avoid traps over time. Lisa Bail expressed uncertainty about whether year-round trapping is the most effective approach and requested additional input from individuals with greater experience in predator trapping and control methods.

Lindsay explained that consistent predator trapping is the best way to go because you're reducing the pressure on the landscape over time, but it would be helpful to change the location of trap throughout the course of the season.

The committee discussed updating recommendations across both the hotel properties to reflect year-round trapping efforts and consistent adaptive management language. ESRC members indicated support for the recommendations presented for Royal Sonesta, and the recommendations were approved by consensus following a show of hands.

10.24.2025 13:23/04:16:56

ITEM 3C. STATUS UPDATE ON THE COUNTY OF KAUA'I, A PARTICIPANT OF THE KSHCP

Kelli presented, on behalf of the Division of Forestry and Wildlife, a status update on the County of Kaua'i.

10.24.2025 13:25/04:18:14

Pat Porter and Kathryn Leonard presented a status update on the County of Kaua'i.

10.24.2025 13:38/04:31:38

Comments and Questions from the Committee

Jason noted that in the report to the ESRC in August, it showed two downed wildlife across all 18 properties on the permit. Jason questioned the relatively low number of documented seabird take incidents reported across the County's HCP-covered properties and requested additional clarification regarding search frequency, timing, and reporting practices.

Kathryn noted that Category 3 sites are ones that were focused on primarily last year for minimizing lights more. Whereas, Category four and five sites, have always been lights out during fledgling season in the past years. Kelli supported Jason in expressing concerns regarding the low number of documented downed seabirds reported across the County's HCP-covered properties. Kelli requested additional clarification regarding search frequency, timing, and whether searches were consistently occurring across all 18 actively managed Category 3 sites.

In response to committee questions, Kathryn stated that no downed seabirds had been documented at the night games thus far, although birds had been observed flying in the area. Monitoring teams documented observations during each game, and the collected data were compiled into summary forms for submission following the events.

Jason emphasized that, under state law, seabirds circling artificial lights may still constitute "take," even if no birds are found grounded. He highlights that the birds flying patterns are still being changed by football games. He noted that the HCP includes varying risk categories for nights during seabird season, including medium- and high-risk periods during which games are not recommended or permitted under certain conditions. Jason stated that both state and federal wildlife protection laws inform those restrictions and monitoring requirements.

10.24.2025 13:54/04:47:05

Pat stated that outreach efforts were significantly expanded this year in connection with seabird fledging season, and public awareness regarding night football games. Pat explained that increased emphasis on night football games was driven by community concern. Jason states that there can be night games throughout the year if they occur during lower-risk conditions for seabirds.

A discussion was held regarding how "take" is defined and documented under the HCP framework. Jason clarified that "take" is primarily recorded based on documented grounded birds, not circling or behavioral effects observed in real time at events. Since there is not an individual counting and observing the birds circling the lights during the football game, you cannot conclude that the birds' behavior patterns were altered and therefore cannot definitively classify it as a take. Jason contrasted this with non-HCP contexts, where direct harassment or disturbance (e.g., flushing seabirds from burrows or disorientation from lighting/fireworks) could be considered take under regulatory definitions.

Kawika questioned whether there may be another interpretation of the applicable language regarding take and mitigation requirements. He stated that if decisions result in increased take, additional mitigation measures should be required. Kathryn referenced the night football game requirements, noting that the memorandum specifies monitoring and safety protocols, including the presence of four scientists, recordkeeping requirements, and volunteer assistance during monitoring activities.

Discussion then shifted to whether birds circling stadium lights should be considered an alteration of behavior constituting take. Lindsay stated that, in her interpretation, circling

behavior could qualify as take because birds are expending additional energy they otherwise would not have used, and the long-term impacts of that behavior are unknown.

Lindsay asked whether football games had been conducted exclusively on low-risk nights. Pat explained that games occurred on both low- and medium-risk nights during the season. When asked why medium-risk nights were approved, Pat stated that discussions with Fish and Wildlife resulted in approval to proceed.

Concerns were raised that birds circling lights on medium-risk nights could meet the definition of take and potentially involve wildlife impacts not covered under the permit.

Further discussion focused on why games could not be limited to low-risk nights only. Pat explained that if games had been restricted solely to low-risk nights, only one night game would have occurred during fledging season.

Kawika suggested that future scheduling could be structured differently by limiting approval to low-risk nights and providing DOE with only those acceptable windows for games. Pat responded that each year involves a new assessment and negotiation process with the agencies, and future scheduling decisions would follow agency recommendations at that time.

Additional clarification was provided regarding scheduling logistics. Pat explained that games were held only on Saturday nights, with one game occurring each weekend because only three teams participated. When asked whether alternative nights had been considered, Pat stated that DOE had been informed that all scheduling options were available. However, DOE reportedly had to coordinate football scheduling around other school sports, including girls' volleyball, to avoid conflicts.

**10.24.2025 14:09/[05:02:15](#)
BREAK**

**10.24.2025 14:17/[05:10:20](#)
RETURN FROM BREAK**

**10.24.2025 14:17/[05:10:20](#)
Comments and Questions from the Committee**

Kawika sought clarification regarding a letter issued by the U.S. Fish and Wildlife Service allowing night football games to proceed, questioning whether the federal approval affected compliance with state law. Jason confirmed that the letter pertained to federal law and did not exempt the county from complying with state HCP requirements.

Discussion then focused on whether birds circling stadium lights could be considered take under the HCP. Members requested the definition of "take" and discussed the need to review the applicable language. Questions were also raised regarding the number of low-risk nights available during a month and whether limiting games to low-risk nights would be feasible. Lindsay explained that risk levels are influenced by moon phase and other environmental

conditions and estimated that low-risk nights may account for approximately seven to eight nights per month, though exact calculations would need to be verified.

Kawika stated that a reasonable recommendation may be for the county to only operate stadium lighting on low-risk nights, with the Department of Education (DOE) adjusting schedules accordingly if night football games are desired.

Kelli explained the process used to determine risk levels. Proposed game dates are submitted and reviewed by the U.S. Fish and Wildlife Service, DOFAW, and consulting biologists, who evaluate moon phase, fledgling season timing, weather, and other environmental factors to categorize nights as low, medium, or high risk. It was further explained that even on one low-risk night, a significant number of birds were observed near the stadium, possibly due to weather conditions such as cloud cover.

A clarification was made regarding monitoring activities. Dilek confirmed that this year's monitoring focused on medium-risk nights where observer requirements applied. During one monitored game, approximately 50 birds were observed flying above the stadium, with some birds circling the lights and others altering their flight paths.

Further clarification was provided regarding the number of low-risk nights identified during the season. Dilek explained that out of 20 proposed dates, nine were considered low risk.

Kawika reiterated the recommendation that the County should limit night games to low-risk nights. He emphasized that this recommendation was not intended to prohibit night football games entirely, but rather to reduce impacts to wildlife while allowing scheduling flexibility where possible.

Discussion also addressed the practical challenges faced by the County and community expectations surrounding night football games. Pat explained that DOE controls the athletic schedules while the county primarily provides the facilities. However, Pat acknowledged that the County would likely need to become more involved in future scheduling decisions because DOE relies on county facilities for sports events. Pat stated that discussions had already begun with DOE regarding earlier season scheduling to maximize opportunities for low-risk night games before fledgling season begins.

10.24.2025 14:29/05:22:41

Members discussed the possibility of amending the HCP if medium-risk night games were expected to continue.

Discussion then turned to whether the County's current use of medium-risk nights constituted noncompliance with the HCP.

The committee ultimately discussed focusing recommendations on encouraging the county to schedule football games on low-risk nights and to continue working collaboratively with DOE and agencies to develop scheduling strategies that minimize impacts to protected seabirds while accommodating community needs.

10.24.2025 14:46/05:39:26

Questions and Comments from the Public

Dilek spoke about the need for more training. She is very concerned about the football games and how the lights change seabird behavior and to see a stricter calculation. She asked if there was a mechanism to quickly turn off the lights.

Development of the recommendation slide continued.

10.24.2025 14:54/05:47:25

ITEM 4. REVISIONS TO THE PUBLISHED DRAFT HABITAT CONSERVATION PLAN FOR KAHEAWA WIND POWER I

Molly Stevenson presented on behalf of Kahava Wind Power 1 (KWP I), with support from Troy Rahmig, who represented Tetra Tech. The purpose of the presentation was to provide brief updates and discuss issues raised during the site visit. Additional discussion is expected during the November meeting when more members may be available.

For seabird minimization updates, the team added text to clarify that KWP I does not have any overhead transmission lines. They have also committed to the new lighting guidance related to short wavelength content.

Kawika stated that during the site visit, he observed overhead lines. Molly clarified that a roughly 1,200-foot overhead line segment near a gulch is associated with KWP II. Molly highlighted that bird diverters are being reinstalled on that line after previous diverters were lost due to high winds. Furthermore, she clarified that other transmission lines in the area belong to Hawaiian Electric.

10.24.2025 15:02/05:55:15

Discussion moved to yellow-faced bee impact reductions, with Molly stating that use of crane less technology significantly reduced anticipated impacts to yellow-faced bee habitat. Updated limits of disturbance were shown on a map during the presentation.

Kawika requested discussion regarding searcher areas and asked whether a figure from the draft HCP was available. Molly stated that current searches generally occur within graded areas beneath turbines. Kawika raised concerns regarding the physical feasibility of the detection rates presented in the draft HCP given turbine height, blade speed, and strong wind conditions observed at the site.

Molly stated that detection rates vary by species based on size. She explained that they did have larger 200-meter by 200-meter plots centered on the turbines that were searched between 2006 and 2014. The fall probability estimates were based on those data.

Jason stated their division had submitted comments on the draft HCP recommending larger search buffers.

Kawika suggested that the existing 200-meter circular search plots may not accurately reflect carcass movement under site-specific wind conditions. Troy stated that the larger transect searches allowed the project team to develop a site-specific fall distribution model based on the project's unique wind conditions and location characteristics. He explained that the site-specific information was used instead of relying solely on generalized fall distribution models commonly applied where site-specific data are unavailable. He noted that the methodology and rationale are summarized in an appendix to the draft HCP.

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Questions and Comments from the Committee

Kawika stated he was not supportive of off-island mitigation when mitigation opportunities may still exist on Maui. He also expressed opposition to the Moloka'i mitigation proposal and reiterated concerns regarding previously discussed mitigation possibilities on Lāna'i.

Kawika asked whether Molly intended to continue pursuing the Lāna'i mitigation plan or whether new Maui-based mitigation opportunities had been identified. Molly responded that additional discussions with the DOFAW had not yet occurred regarding those mitigation options but currently the plan would be to continue with that on Lāna'i for the Hawaiian petrel.

Kawika affirmed he did not support the proposed off-island mitigation approach and questioned whether Maui mitigation options had truly been exhausted or whether off-island mitigation was simply the easier option. Molly responded that they were not currently aware of any Maui mitigation option that could be implemented by January.

Jason explained that one of the division's comments recommended continued pursuit of Maui-based mitigation even if off-island mitigation proceeds initially. Jason acknowledged that Maui Nui islands are connected ecologically but emphasized that mitigation for impacts occurring on Maui should ideally occur on Maui.

Jason recommended that the applicant continue researching and identifying Maui mitigation opportunities while allowing interim mitigation work to proceed on neighboring islands.

Troy stated that the search for Maui mitigation opportunities is ongoing and has not stopped. He reiterated that the current intention was for approximately half of the mitigation to occur on Moloka'i and half on Maui and to work continuously on Maui.

Kawika asked whether the assumption behind the Moloka'i mitigation project was that removing dense Formosa koa and replacing it with native koa would result in increased bat activity. Troy responded that the proposed strategy involved multiple components rather than simple replacement planting. Troy stated the proposal would thin the dense stands to create openings and improve bat movement through the habitat. He also explained that selective thinning would allow some trees to mature into larger trees with more structure suitable for

bat use. Additional proposed actions included outplanting of known roost tree species and vegetation intended to attract bat prey species.

Kawika asked whether the proposed mitigation approach was based on scientific studies. Troy responded that the approach generally aligns with strategies used at other mitigation sites, including efforts to promote larger tree structure, improve forest accessibility for bats, and enhance prey availability. Kawika noted that large portions of Moloka'i are strongly windswept, resulting in vegetation that remains stunted and grows low to the ground. He expressed concern that in such conditions, large tree species may not develop into mature canopy trees and that planting koa in these areas may not achieve intended growth outcomes if the local ecosystem naturally limits vertical tree development due to wind exposure.

Troy noted that in several targeted locations, the mitigation plan includes proposed outplanting of trees intended primarily to function as windbreaks. These plantings are designed to modify local wind conditions in certain areas with the goal of creating windbreaks to improve habitat conditions in a way that may encourage bat use of those areas.

Kinsley explained that proposed petrel mitigation on Lāna'i was being considered because the Makamaka'ole mitigation site originally identified for Hawaiian petrel mitigation had not yet become productive. She noted that recent observations of a Hawaiian petrel prospecting at a burrow suggests the site may begin producing soon.

Kinsley also stated that DOFAW could explore other options on DOFAW lands for petrels. She stated she would continue researching available sites and coordinate with KWP I regarding potential opportunities. Regarding bat mitigation, she reiterated that DOFAW had recommended exhausting Maui mitigation opportunities as much as possible. She stated that she was comfortable with the team initially pursuing mitigation on Moloka'i while continuing to pursue a larger mitigation project on Maui.

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Jason stated that the Committee's position is that the applicant should continue actively pursuing mitigation opportunities on Maui. He acknowledged that the KWP I appeared to be making ongoing efforts to identify Maui-based mitigation sites and emphasized that mitigation efforts should not be delayed or held up while site identification continues.

Jason also stated that KWP I should be allowed to proceed with exploration and implementation of mitigation on neighboring islands where appropriate. However, the member reiterated that most of the mitigation should remain focused on Maui, as the project impacts occur there.

Troy urged the ESRC to consider the tradeoff between requiring all mitigation to occur on Maui, versus allowing a portion of mitigation to proceed on Moloka'i while Maui options continue to be developed. Troy explained that if mitigation is restricted exclusively to Maui, it

could take approximately 2 to 2.5 years before mitigation actions begin producing measurable ecological benefits. In contrast, the Moloka'i site was described as: ready for immediate implementation upon permit issuance, and capable of initiating management actions (e.g., fencing removal) without delay. He stated that this approach is intended to reduce the lag between incidental take and mitigation effectiveness for bats.

Kawika urged KWP I to note that there are lowland areas in Hana, Maui that have some large landowners that might be worth looking into. NTBG, which is a part of DOFAWS other HCPs, has a 400-acre property in low elevations on Maui.

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Questions or Comments from the Public

There were no questions or comments from the public.

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Kawika requested that the final recommendation slide address detection rates, particularly in relation to the relatively small turbine pad search areas.

Jason asked whether members were comfortable approving the recommendation slide as amended. Kawika again highlighted additional potential low-elevation Maui mitigation opportunities, noting: a presence of large private landholdings in Hana and other low-land Maui areas, and a ca. 400-acre low-elevation property associated with NTBG.

Recommendations are approved unanimously.

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ITEM 5. ADJOURNMENT

Kawika made a motion to adjourn.

- Lindsay Young: Second
- The motion passes unanimously.