

DRAFT

Endangered Species Recovery Committee (ESRC) Meeting Notes February 6, 2008 – Castle and Cooke resorts, LLC, Main Office, Lanai, Hawaii

A. Call to Order: 10:00 AM

B. Roll Call

B-1. Members Attending: Scott Fretz (DLNR), Jeff Newman (FWS), Bill Standley (FWS), Loyal Meyerhoff (USGS), Jim Jacobi (USGS), Patrick Hart (appointed member), Cliff Morden (appointed member); Absent: UH Environmental Center (vacant); Also present: Fern Duvall (DLNR), Jay Penniman (DLNR), Charlie Karustis (Tetra-Tech), Alicia Oller (Tetra-Tech), Doug McClafin (Castle and Cooke Resorts, LLC), Bryan Plunkett (Castle and Cooke Resorts, LLC), Kathy Lau Best (Castle and Cooke Resorts, LLC), Gary Yokoyama (Castle and Cooke Resorts, LLC), Bob Day and John Plissner (Alaska Biological Resources, Inc., attending by phone till approximately noon).

C. Updates

C-1. DOFAW Coordinator recruitment in progress – offer is expected to be made within next two weeks.

C-2. Negotiations continue with Haleakala Ranch (HR) for nene release on HR lands. An SHA will be needed.

C-3. KIUC Draft submitted to agencies Oct 2007. To be distributed to ESRC.

D. Lanai Met Towers HCP

D-1. Project overview and presentation by Tetra-tech and C&C

D-2. Discussion

D-2.1. Avoidance observations from tower on Hale may not be indicative of behaviour at met towers.

D-2.2. HAPE may be more manoeuvrable than NESH.

D-2.3. Effectiveness of the fence taping on the HALE to reduce bird strikes.

D-2.4. Implications of harassment due to need for avoidance.

D-2.5. Need to restore six acres rather than three in order to ensure that tier 2 is implemented in the event that tier 2 is reached in month 23.

D-2.6. Inconsistency in acreage calculation for mitigation need (3.5 ac) versus what is actually being done (3 ac.).

D-2.7. Need to clarify that the obligation for the tiered restoration is by acreage not by effort.

D-2.8. Bat detector survey design.

D-2.9. Take levels for bats and NESH.

D-2.10. Stilt predator control effort and cost.

D-2.11. Post-construction monitoring and start date, observer training and trials.

D-2.12. Cat trapping and use of stable isotopes to detect diet.

D-2.13. Restoration, need for aerial imagery, development of nursery by C&C.

D-2.14. Need for more detailed scope of work for DOFAW restoration project.

- D-2.15. Consideration of use of attraction and artificial burrows
- D-2.16. Need for MOU between C&C and DOFAW for mitigation and access agreement.
- D-2.17. Approval process: BLNR, Public review, AG review, BLNR

E. Site Visits

- E-1. Visit to restoration on Hale
- E-2. Visit to met tower 4 site

F. Decision Making

- F-1. Committee moved to recommend that the BLNR release the HCP for public review on the condition that the following considerations are addressed.
 - F-1.1. Development of a more detailed scope of work for the habitat restoration project to be conducted by DOFAW, including monitoring for results in achieving goals, timeline, etc.
 - F-1.2. Development of an MOU between C&C and DOFAW that identifies roles and responsibilities, ensures adequate access to the mitigation project until such time as mitigation goals are met, not to exceed 10 years, including reporting requirements and other necessary conditions for land access.
 - F-1.3. Modify budget tables to allow for expenditure of funds in years one or two to allow the six acre restoration project to be completed before reaching tier 2.
 - F-1.4. Clarify stilt predator control project to include effort and funds to operate 12 traps.
 - F-1.5. Discussion of the harassment consequences of avoidance behaviour.
 - F-1.6. Incorporation of additional comments received from FWS and DOFAW.
 - F-1.7. Clarify or reconcile acreage needs (3.5 ac) versus actual mitigation proposed (3 ac).
 - F-1.8. Clarify bat take limit is 2 observed. Although SEEF and removal trials will be conducted, the indices derived need not be applied to adjust the take of observed bats (note that this is not the case for NESH and it is expected that any NERSH take observed will be adjusted by SEEF and removal index calculations).
 - F-1.9. Clarify date of start of SEEF (Mar 15) and removal trials (Mar 1).
 - F-1.10. Clarify that the towers are now in operation.
 - F-1.11. Clarify term of HCP to end February 28, 2010.

G. Adjourn: 6:30 pm

ATTACHMENT II

State of Hawaii
 Department of Land & Natural Resources
 Division of Forestry and Wildlife
 1151 Punchbowl Street, Room 325
 Honolulu, Hawaii 96813

Incidental Take License No. ITL-09
 Date of Issue: _____
 Valid Until: February 28, 2010

INCIDENTAL TAKE LICENSE

to accompany:

**Habitat Conservation Plan for the
 Construction and Operation of the Lanai Meteorological Towers, Lana'i, Hawai'i**

The Board of Land and Natural Resources hereby grants permission under the authority of §195D-4(g) Hawaii Revised Statutes and all other applicable laws, to:

Castle and Cooke Resorts, LLC
 P.O. Box 630310
 1311 Fraser Avenue
 Lana'i City, Hawai'i 96763

To: take of (if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity);

The following species:

Common Name	Scientific Name	No. of Specimens Over Term*		Location
		Tier 1	Tier 2	
'Ua'u, or "Hawaiian Petrel"	<i>Pterodroma sandwichensis</i>	7	14	Lands owned or otherwise controlled by Castle and Cooke Resorts, LLC on the Island of Lanai, Hawaii (2) 49-002-001
'A'o or "Newell's (Townsend's) Shearwater"	<i>Puffinus auricularis newelli</i>	2	NA	
Ae'o or "Hawaiian Stilt"	<i>Himantopus mexicanus knudseni</i>	2	NA	
'Ope'ape'a or "Hawaiian Hoary Bat"	<i>Lasiurus cinereus semotus</i>	2	NA	

* - See Special Conditions #1-5.

Subject to the following conditions:

I. GENERAL CONDITIONS

1. This license only authorizes the permittee to conduct incidental take of *Pterodroma sandwichensis*, *Puffinus auricularis newelli*, *Himantopus mexicanus knudseni*, and *Lasiurus cinereus semotus* on the lands owned or otherwise controlled by Castle and Cooke Resorts, LLC on the island of Lana'i, Hawaii (2) 49-002-001 at the time this license is issued pursuant to the "Draft Habitat Conservation Plan for the Construction and

Operation of the Lanai Meteorological Towers, Lana'i, Hawai'i" dated _____ (hereafter "HCP").

2. This license is valid only if Castle and Cooke Resorts, LLC abides by the terms and conditions of the HCP for the duration of the HCP.
3. This license is valid for species protected by federal law only if accompanied by proper federal permits. Permit number for the required permit must be provided:
USFWS 10(a)(1)(B) permit no. _____
4. This license shall become valid upon completion of the following:
 - i. A legal representative of Castle and Cooke Resorts, LLC has acknowledged understanding and agreement to abide by its conditions by signing two copies of Attachment 1, which is attached hereto and made a part of this license.
 - ii. Both copies of the signed license must be returned to the Division of Forestry and Wildlife. Upon approval by the Chairperson of the Board of Land and Natural Resources, a copy of the license will be returned to the applicant.
5. The Board may suspend or revoke this license if the HCP is suspended or revoked. The Board may also suspend or revoke this license in accordance with applicable laws and regulations in force during the term of the license.

II. SPECIAL CONDITIONS

1. The allowable incidental take authorized by this license for *Pterodroma sandwichensis* and *Puffinus auricularis newelli* includes both observed, unobserved, direct and indirect take as defined in the HCP.
2. The estimation of incidental take for *Pterodroma sandwichensis* and *Puffinus auricularis newelli* will be conducted according to adjustments made to the observed direct take according to estimates of unobserved direct take, as detailed in the HCP.
3. The allowable incidental take authorized by this license for *Himantopus mexicanus knudseni* and *Lasiurus cinereus semotus* includes only observed take, as defined in the HCP.
4. The incidental take authorized by this license for *Pterodroma sandwichensis* is defined by two tiered levels, each of which is identified in the HCP. In the event that tier 1 is reached, incidental take at the tier 2 level is authorized, provided that Castle and Cooke Resorts, LLC abides by the terms and conditions of the HCP for the tier 2 level for the duration of the HCP.
5. DLNR will be notified within 3 days of any mortalities, injuries, or disease observed on the property. Injured individuals or carcasses will be handled according to guidelines in Appendix 9 of the HCP.

LAURA H. THIELEN, Chairperson and Member
Board of Land and Natural Resources

C: DOFAW Maui Branch
DOCARE
USFWS Pacific Islands Office, Honolulu
Senior Resident Agent, USFWS-Law Enforcement, Honolulu

Attachment No. 1 to INCIDENTAL TAKE LICENSE No. ITL-09

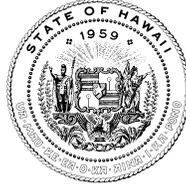
The undersigned has read, understands and hereby agrees to abide by General Conditions 1 - 5 and Special Conditions 1 - 5 stipulated on pages 1 through 3 in INCIDENTAL TAKE LICENSE No. ITL-09.

By: _____

Date: _____

ATTACHMENT III

LINDA LINGLE
GOVERNOR OF HAWAII



Laura H. Thielen
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

Russell Y. Tsuji
FIRST DEPUTY

Ken C. Kawahara
DEPUTY DIRECTOR - WATER

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813
TEL (808) 587-0166 FAX (808) 587-0160

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

February 12, 2008

TO: HONORABLE CHAIRPERSON AND MEMBERS
Board of Land and Natural Resources

FROM: ENDANGERED SPECIES RECOVERY COMMITTEE (ESRC)
Loyal Meyerhoff, Director, USGS - Biological Resources Division, UH
Patrick Leonard, USFWS - Pacific Islands Ecoregion, Honolulu
Laura Thielen, Chairperson, Dept. of Land and Natural Resources
Patrick Hart, Appointed Member, University of Hawaii, Hilo, HI
Cliff Morden, Appointed Member, University of Hawaii, Honolulu, HI
Jim Jacobi, USGS - BRD, Hawaii Nat. Park, HI (BRD Representative)
Jeff Newman, USFWS - Pacific Islands Ecoregion (FWS Representative)
Bill Standley, USFWS - Pacific Islands Ecoregion (FWS Representative)
Scott Fretz, Wildlife Program Manager, DOFAW (DLNR Representative)

SUBJECT: ESRC recommendations regarding the *Draft Habitat Conservation Plan for the Construction and Operation of the Lanai Meteorological Towers, Lana'i, Hawai'i*

The Endangered Species Recovery Committee (ESRC) has been requested to review the *Draft Habitat Conservation Plan for the Construction and Operation of the Lanai Meteorological Towers, Lana'i, Hawai'i* in preparation for its release for public review. The ESRC met with the applicant, Castle and Cooke Resorts, LLC, and their consultants during an ESRC meeting on February 6, 2008 to discuss a draft of the HCP dated December 19, 2007. The discussion was productive and the applicant was willing to address all of the issues raised prior to submitting a draft HCP to the Division of Forestry and Wildlife for public review.

While recognizing that the HCP will need further revisions before final approval, the ESRC agrees with the purpose and intent of the draft HCP and anticipates its progression through the public review process. The ESRC will be reviewing the draft HCP submitted for public review and will be providing further input prior to the preparation of the final draft.

Prepared and Submitted by:

SCOTT FRETZ
Wildlife Program Manager
Division of Forestry and Wildlife