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LAND
STATE PARKS

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 5, 2018

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Relating To Safe Harbor Agreements for the Period July 1, 2016 – June 30, 2018 report, as required by Section 2 of Act 37, Session Laws of Hawaii 2016. In accordance with Section 93-16, HRS, a copy of this report has been transmitted to the Legislative Reference Bureau and the report may be viewed electronically at <http://dlnr.hawaii.gov/reports/>.

Sincerely,

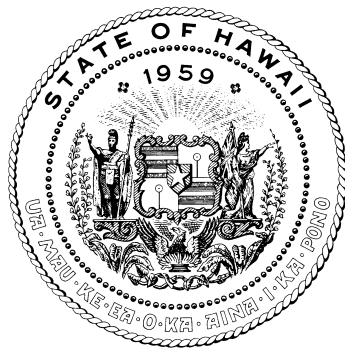
A handwritten signature in blue ink, appearing to read "Suzanne D. Case".

SUZANNE D. CASE
Chairperson

Enclosure

**REPORT TO THE THIRTIETH LEGISLATURE
STATE OF HAWAII
2019 REGULAR SESSION**

**RELATING TO SAFE HARBOR AGREEMENTS
FOR THE PERIOD JULY 1, 2016 – JUNE 30, 2018**



Prepared by

**THE STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE**

In response to SECTION 2 of Act 37, Session Laws of Hawaii 2016

Honolulu, Hawaii
December 2018

RELATING TO SAFE HARBOR AGREEMENTS FOR THE PERIOD JULY 1, 2016 – JUNE 30, 2018

PURPOSE

Act 380, Session Laws of Hawai‘i (SLH) 1997, amended the State Endangered Species Law, Chapter 195D, Hawai‘i Revised Statutes (HRS), to provide for the preparation and implementation of habitat conservation plans (HCPs) and safe harbor agreements (SHAs) and to provide additional incentives for private landowners to recover and protect threatened and endangered species on their lands.

Incidental Take Licenses (ITLs) are issued in conjunction with an approved SHA for the legal take¹ of threatened or endangered species, if such take is incidental to an otherwise lawful activity. The cumulative impact of the activities under a SHA must provide net environmental benefits and must increase the likelihood that the endangered or threatened species for which incidental take is authorized will recover. Safe Harbor Agreements are important management tools in the State of Hawai‘i by accomplishing the following:

- Resolves conflicts between endangered species protection and legitimate use of natural resources;
- Contributes to endangered species recovery efforts through partnerships and proactive planning; and
- Provides essential ecological information for Hawai‘i’s resource managers by requiring a monitoring component.

This report complies with SECTION 2 of Act 37, SLH 2016, and provides:

- The number and kinds of SHAs approved pursuant to Section 195D-22, HRS; and
- Summary information regarding the content and performance of each SHA.

Pursuant to SECTION 2 of Act 37, SLH 2016, this report will be submitted to the Hawai‘i State Legislature prior to the convening of each odd-numbered regular legislative session. This report provides detailed information for five SHAs approved under the ITL program. General locations for the SHAs are shown in Figure 1.

¹ “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect endangered or threatened species of aquatic life or wildlife, or to cut, collect, uproot, destroy, injure, or possess endangered or threatened species of aquatic life or land plants, or to attempt to engage in any such conduct (Section 195D-2, HRS).



Safe Harbor Agreements (As of FY 2016)

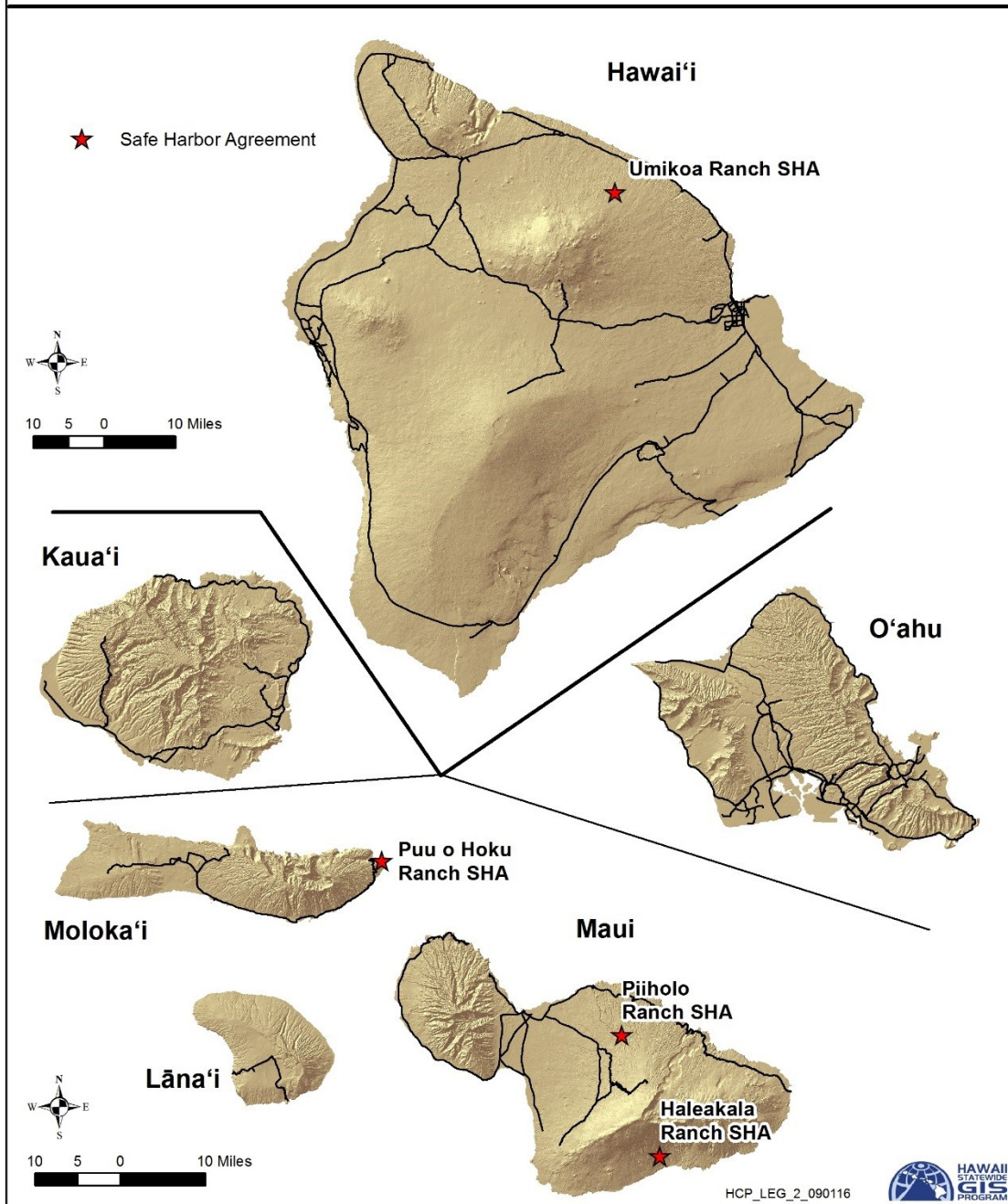


Figure 1. Location of Safe Harbor Agreements

SUMMARY OF SAFE HARBOR AGREEMENTS AND ASSOCIATED INCIDENTAL TAKE LICENSES

Safe Harbor Agreement for Pu‘u o Hōkū Ranch, Moloka‘i. Approved 2001.

ITL Licensee: Pu‘u o Hōkū Ranch, Limited

Project: Reintroduce Nēnē (*Branta sandvicensis*) to Pu‘u o Hōkū Ranch, Moloka‘i.

ITL Duration: September 4, 2001 – September 3, 2008 (The Department of Land and Natural Resources’ (DLNR) Division of Forestry and Wildlife (DOFAW) is currently in discussion with Pu‘u o Hōkū Ranch to enter into a new agreement).



Nēnē, official bird of the State of Hawai‘i, resting in the foreground.

Take Authorization: Incidental take of Nēnē on lands owned or otherwise controlled by Pu‘u o Hōkū Ranch, Limited.

Baseline Condition: At the time of agreement execution, there was no wild Nēnē on Moloka‘i. Therefore the baseline condition is zero wild Nēnē on Pu‘u o Hōkū Ranch property.

Status of ITL: One take of an adult female Nēnē occurred in FY 2018 from depredation by a cat while incubating her eggs. The SHA allowed for reintroduction of Nēnē on Pu‘u o Hōkū Ranch property, construction of a release pen, provision of habitat for Nēnē grazing and breeding, and control of predators in the release pen and breeding areas.

Nēnē monitoring was performed on a weekly basis by DOFAW personnel throughout the reporting period. Observations from the most recent surveys in Fiscal Year (FY) 2018 resulted in a total of 28 birds, as identified by their State and Federal bands, which is the estimated population size. The most recent one-day annual Nēnē survey throughout Molokai was conducted in August 2017 in which a total of 11 banded birds and one un-banded bird were observed.

A total of 74 birds were translocated to the Pu‘u o Hōkū Ranch from 2002-2005. Table 1 provides survey data over the past 13 years for the original 74 birds translocated to the Pu‘u o Hōkū Ranch. The percentage of the original 74 birds that were re-sighted is a factor of survey effort and does not account for any unknown mortality or emigration from the ranch, and may not necessarily be a measure of translocation success.

Table 1. Observations of Nēnē translocated to Pu‘u o Hōkū Ranch

Year	No. of Birds Translocated	Total Birds Translocated	No. of Known Fatalities	No. of Birds Sighted	Percentage (%) of Translocated Birds Sighted (excluding known fatalities)
2018	0	74	0	1	2
2017	0	74	0	1	2
2016	0	74	0	2	3
2015	0	74	0	4	5
2014	0	74	0	6	9
2013	0	74	0	6	9
2012	0	74	0	6	9
2011	0	74	0	7	11
2010	0	74	0	8	13
2009	0	74	0	18	28
2008	0	74	1	33	52
2007	0	74	0	38	58
2006	0	74	5	29	45
2005	11	74	2	47	67
2004	8	63	1	42	69
2003	41	55	1	54	100
2002	14	11	0	14	100

During the past two August – April nesting seasons a total of eight nests were recorded within the open-top release pen at Puu O Hoku Ranch and no additional nests were located on the ranch or adjacent areas. Four nests was successful in producing eleven goslings.

The three acres within the open-top release pen was maintained monthly. A total of 96 mongoose and eight cats were removed around the open-top release pen at the Pu‘u o Hōkū Ranch covering the past two years (FY 2017 and FY 2018).

Programmatic Safe Harbor Agreement for Nēnē on the Island of Moloka‘i, Hawai‘i. Approved 2003.

ITL Licensee: DOFAW to issue Certificates of Inclusion under authority of §195D-22, HRS, to landowners signing Cooperative Agreements.

Project: Encourage private landowner management activities to benefit Nēnē and provide regulatory assurances if Nēnē occupy or breed on their property.

ITL Duration: April 7, 2003 – April 6, 2053

Take Authorization: Any Nēnē or Nēnē habitat above Baseline Conditions, as defined in respective landowner Cooperative Agreements.

Baseline Condition: To be set in each landowner Cooperative Agreement.

Status of ITL: To date there are no landowners enrolled under this SHA.

Safe Harbor Agreement for the Introduction of Nēnē to Pi‘iholo Ranch, Maui. Approved 2004.

ITL Licensee: Pi‘iholo Ranch, LLC

Project: Establish a Nēnē population on Pi‘iholo Ranch.

ITL Duration: The ITL is valid for 50 years from September 21, 2004 to September 20, 2054; the SHA period was from September 21, 2004 to September 20, 2014 (DOFAW is currently in discussion with Pi‘iholo Ranch to enter into a new agreement).



Pi‘iholo Ranch on Maui.

Take Authorization: Incidental take of Nēnē on lands owned or otherwise controlled by Pi‘iholo Ranch, LLC.

Baseline Condition: Following Nēnē reintroduction efforts on Maui that began at Haleakalā National Park in 1962, DOFAW began establishing a population in west Maui through a reintroduction program at Hana‘ula in 1995. However, prior to the development of the SHA, there had been no known Nēnē sightings at Pi‘iholo Ranch premises by DOFAW staff or Ranch personnel. Therefore the baseline condition was determined to be zero.

Status of ITL: No take of Nēnē was reported this year: The activities under the SHA were construction of a Nēnē release pen, predator control activities around Nēnē nesting and breeding sites, and out-planting native plant species known to be Nēnē food sources. Under the SHA Pi‘iholo Ranch was to maintain or improve approximately 600 acres of Nēnē habitat for a period of 10 years.

Observations from the most recent surveys in FY 2018 resulted in a total of 31 banded birds on the Ranch, of which three were from the original released birds. The survey resulted in a population estimate for the Ranch of 34 birds.

Table 2 provides survey data for the original 48 birds released to the Ranch. Of the 48 birds translocated to the Ranch from 2005-2008. The percentage of the original 48 birds that were re-sighted is a factor of survey effort and does not account for any unknown mortality or emigration from the ranch, and may not necessarily be a measure of translocation success.

Table 2. Observations of Nēnē translocated to Pi‘iholo Ranch

Year	No. of Birds Translocated	Total Birds Translocated	No. of Known Fatalities	No. of Birds Sighted	Percentage (%) of Translocated Birds Sighted (excluding known fatalities)
2018	0	48	0	3	6
2017	0	48	0	4	9
2016	0	48	0	9	20
2015	0	48	0	10	23
2014	0	48	0	10	23
2013	0	48	0	11	25
2012	0	48	0	11	25
2011	0	48	1	16	36
2010	0	48	0	23	51
2009	0	48	1	26	58
2008	10	48	0	30	65
2007	25	38	2	26	72
2006	8	13	0	12	92
2005	5	5	0	5	100

During the past two breeding seasons 25 nests were observed within the Piiholo Ranch open-top release pen. Four nests were successful and produced four fledglings.

At Pi‘iholo, areas mowed annually both in and around the open-top release pen. Predator control efforts in the past two years resulted in a total of 33 mongoose, three rats, and five mice trapped and removed around the open-top release pen at Pi‘iholo Ranch.

Safe Harbor Agreement for the Reintroduction of Nēnē to Haleakalā Ranch, Island of Maui. Approved 2012.

ITL Licensee: Haleakalā Ranch Company

Project: Establish a Nēnē population on Haleakalā Ranch, Maui.

ITL Duration: The ITL is valid for 50 years from May 22, 2012 to May 21, 2062; the SHA has not been finalized (DOFAW is currently in discussion with Haleakala Ranch to enter into an agreement).

Take Authorization: Incidental take of Nēnē on lands owned or otherwise controlled by Haleakalā Ranch.

Baseline Condition: There had been no Nēnē sightings at Haleakalā Ranch by DOFAW staff or ranch personnel, prior to execution of the SHA. Therefore the baseline condition was determined to be zero.

Status of ITL: No take of Nēnē at Haleakalā Ranch was reported the past two years: DOFAW in cooperation with Haleakalā Ranch has constructed a two-acre Nēnē release pen, conducts predator control activities around Nēnē nesting and breeding sites; and maintains access roads leading to the Nēnē release pen.

Observations from the most recent surveys in FY 2018 resulted in a total of 86 banded birds were recorded this season at the pen, of which 13 were from translocations. The estimated population for Haleakala Ranch as of FY 2018 is 51 Nēnē.

Table 3 provides survey data for the original 53 birds translocated to the Ranch. Seven Nēnē (four adults and three goslings) from Kaua‘i and one injured bird from Moloka‘i were translocated to Haleakalā Ranch during this reporting period. The percentage of the original 53 birds that were re-sighted is a factor of survey effort and does not account for any unknown mortality or emigration from the ranch, and may not necessarily be a measure of translocation success.

Table 3. Observations of Nēnē translocated to Haleakala Ranch

Year	No. of Birds Translocated	Total Birds Translocated	No. of Known Fatalities	No. of Birds Sighted	Percentage (%) of Translocated Birds Sighted (excluding known fatalities)
2018	0	53	0	13	25
2017	0	53	0	19	40
2016	8	53	0	28	60
2015	8	45	1	25	64
2014	0	37	2	23	84
2013	7	37	1	31	91
2012	20	30	2	30	100
2011	10	10	0	10	100

Fifteen nests were found in the open-top release pens the past two years. Seven nests were successful and produced 15 fledglings.

The two-acre pen was kept mowed and fences repaired. Predator control efforts in the past two years resulted in the removal of six mongoose, six rats, and one mouse around the open-top release pen.

Safe Harbor Agreement for the Koloa Maoli or Hawaiian Duck (*Anas wyvilliana*) and the Nēnē or Hawaiian Goose (*Branta sandvicensis*) on Umikoa Ranch, Island of Hawai‘i. Approved 2001.

ITL Licensee: Umikoa Ranch

Project: Establish a Koloa and Nēnē population on privately owned lands of Umikoa Ranch in the Hamakua District of Hawai‘i Island.

ITL Duration: The ITL is valid from December 5, 2001 to December 4, 2100; the SHA period is from December 5, 2001 to December 4, 2021.



Koloa Maoli or Hawaiian Duck, endemic to the Hawaiian Islands.

Take Authorization: Incidental take of Nēnē and Koloa, including their progeny, on lands owned or otherwise controlled by Umikoa Ranch, provided that such take is above established baseline conditions.

Baseline Condition: The Baseline Conditions for Koloa and Nēnē were determined from monthly biological surveys conducted between January and October 2000. During this time there were five existing ponds ranging from 0.12 to 0.30 acres, providing approximately one acre of open water habitat, in addition to 5 acres of adjacent upland habitat. Surveys indicated that the Umikoa wetland area was frequented by a single pair of wild Koloa. Therefore, the baseline for Koloa was determined to be two individuals, one acre of open water habitat, and five acres of adjacent upland habitat. The baseline for Nēnē was determined to be zero.

Status of ITL: Umikoa Ranch is maintaining fencing around a minimum of ten ponds, consisting primarily of open water, and surrounding riparian and associated upland habitat totaling a minimum of 50 acres. Fences at several of the ponds were in need of repair based on a site visit in December 2018.

The fencing and maintenance of the ponds do provide Koloa and Nēnē habitat. Two Nēnē were reported using the ponds based on the state waterbird survey results for January 2018 and none the previous year. No Koloa were observed. No non-native waterfowl were reported. Stray dogs are controlled in the ranch area.

For information on DLNR’s Endangered Species Recovery Committee, please see <http://dlnr.hawaii.gov/wildlife/esrc/>. For a full listing of the State’s Safe Harbor Agreements please see <http://dlnr.hawaii.gov/wildlife/hcp/safe-harbor/>.

For further information on the State’s Safe Harbor Agreements contact:

Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, HI 96813
Email: James.M.Cogswell@hawaii.gov
Telephone: (808) 587-4187
Internet: <http://dlnr.hawaii.gov/wildlife>