

SEA TURTLES- ASAC

BALAZS FILE 1970s

HIMB

ANIMAL SPECIES ADVISORY

COMMISSION (ASAC)

PART 2 of 2

LIBRARY OF  
GEORGE H. BALAZS

First Draft

HAWAII FISH & WILDLIFE PLAN

Volume II  
The Operational Management Plan  
Rare and Endangered; Species  
Without Plans

December 15, 1972

Jones & Stokes Associates, Inc.  
455 Capitol Mall, Suite 835  
Sacramento, CA 95814

No complete list of Hawaiian marine species is available as new discoveries are constantly being made. There are currently over 550 species of marine fish plus an unknown number of species of crustaceans, mollusks, echinoderms and algae in Hawaiian waters. Approximately 145 of these marine species are included in individual species or species group plans. Another 60 species are listed here, most of which are believed to be of fairly high priority for the development of species plans. The remaining species are thought to be of very low priority for the development of plans.

Information other than catch statistics and taxonomical data is quite scanty for marine species without plans. Consequently, establishment of priorities for the development of species plans is difficult. In the absence of other information, the relative size of the catch over a substantial time period will serve to determine priorities.

### Reptiles

<u>Common Name</u>	<u>Scientific Name</u>
Green sea turtle	* <u>Chelonia mydes</u>
Skinks	<u>Scincidae spp.</u>
Geckos	<u>Gekkonidae spp.</u>
Toads	

\* Indicates species of relatively higher priority. Most marine species so indicated appear in small amounts in the commercial catch.

There are no reptiles, which are currently covered by an individual species or a species group plan. Information on reptiles in Hawaii is generally lacking. With the exception of the green sea turtle, a high priority species, reptiles are of relatively low priority for species plans.

Green sea turtle. The green sea turtle is a species of very high priority for the development of a species plan. It enters the commercial catch statistics in fairly substantial numbers and, paradoxically, it has been suggested for possible inclusion as a rare and endangered species. It breeds primarily on the islands of the Leeward chain where it is protected by the Hawaiian Islands National Wildlife Refuge.



# BERNICE P. BISHOP MUSEUM

*P. O. Box 6037, Honolulu, Hawaii 96818 • Telephone 847-3511*

31 January 1973

Mr. Ronald M.K. Lau  
P.O. Box 50  
Kahului, Maui  
Hawaii 96732

Dear Mr. Lau,

Thanks so much for your long-standing and continued interest in Marine Turtle protection. I passed out Xerox copies of your letter to me of December 8, 1972 regarding the Green Sea Turtle, to all members of the Animal Species Comm.

I have enclosed here for your possible interest excerpts dealing with the animals from comments made on a Long-range Fish & Wildlife Resource Plan by Frank Radovsky and myself.

Also, you will probably be glad to see the three enclosed legislative documents dealing with the Green Sea Turtle. If you would ever care to drop a Thank You note to Rep. Carroll, who introduced these Resolutions and Bill, I'm sure he would be most grateful.

There will undoubtedly be Rules and Regulations regarding marine turtles up before the Board of Land and Natural Resources soon. It would be most helpful if you or other Neighbor Islanders would care to write the Board expressing your sentiments on, especially, the commercial taking of these turtles.

Address: Hawaii Board of Land and Natural Resources -----(with a carbon copy  
Mr. Sunao Kido, Chairman and Member sent to:  
P.O. Box 621 Mr. Michio Takata,  
Honolulu, Hawaii 96809 of Fish & Game, 1179 Punchbowl St., Honolulu, Hi. 96813)

For ensuring passage of the Legislative Resolutions and, hopefully, also the budget request for research study funds, the most help could be given by writing (mentioning the numbers of the legislative items):

Rep. Richard H. Wasai, Chairman  
Parks, Fish and Game Management Committee  
State House of Representatives, State Capitol  
Honolulu, Hawaii 96813

and/or Rep. Jean S. King, Chairman  
Environmental Protection Committee  
(same address)

I do not yet know what the numbers of the equivalent Bill (and, possibly, Senate Resolution) will be in the State Senate but it will almost surely come up before:

Senator Kenneth F. Brown, Chairman  
Ecology, Environment and Recreation Committee  
State Senate, State Capitol  
Honolulu, Hawaii 96813

XEROX COPY FOR BARNES -

so, of course, letters to him will be equally effective. All the best !!



# BERNICE P. BISHOP MUSEUM

*P. O. Box 6037, Honolulu, Hawaii 96818 • Telephone 847-3511*

TO: Other Members of Animal Species Advisory Commission  
FROM: Frank J. Radovsky  
SUBJECT: Proposed Protection for Marine Turtles, drafted and forwarded by  
George H. Balazs.

The subject proposal and the status report on marine turtles by Mr. Balazs were mailed to each of us with Mr. Endrizal's memorandum of January 8. The "Proposed Green Sea Turtle Regulation" is on the agenda for the meeting of January 12.

I felt that the legislation proposed by Mr. Balazs would not adequately protect the turtles. In particular, the addition of some control on commercial use of turtles seems essential for an effective law. Mr. Balazs indicated to me that his proposal was strongly compromised in his expectation that it would find greater acceptance. He agreed that it would be desirable to have broader controls. We have prepared the enclosed amended version of his proposal for consideration by the Commission.

Sincerely yours,



Frank J. Radovsky, Member  
Animal Species Advisory Commission

Enclosure

cc: George H. Balazs

January 10, 1973



~~SECRET~~  
PROPOSED PROTECTION FOR MARINE TURTLES

Prepared by George H. Balazs and emended by George H. Balazs and Frank J. Radovsky

Recognizing the fact that title to all wildlife belongs to the State in its sovereign capacity, and that the State holds this title in trust for the people of Hawaii, and that the State has a right and an obligation to protect, perpetuate and control wildlife within its boundaries, the following bill for an act relating to the protection of marine turtles is hereby proposed:

1. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any Leatherback (Dermochelys sp.) or Hawksbill (Eretmochelys sp.) in or from the territorial waters of the State of Hawaii, except as specified in section 7 of this act. 2 miles
2. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any green turtle (Chelonia sp.) in or from the territorial waters of the State of Hawaii which surround the Hawaiian Islands National Wildlife Refuge, except as specified in section 7 of this act. add Midway; Kure (and islets between)
3. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any green turtle in or from the territorial waters of the State of Hawaii which surround the major islands (Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai and Niihau) for purpose of resale.
4. It shall be unlawful for any person to import any marine turtle or part thereof into the State of Hawaii for purpose of resale.
5. It shall be unlawful to sell any marine turtle or part thereof, including the sale or serving of turtle-derived food products in restaurants or markets or elsewhere. (Green turtles may be used as food, without sale, when legally taken as outlined in section 6 of this act).
6. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any green turtle in or from the territorial waters of the State of Hawaii which surround the major islands, excepting green turtles having a straight line carapace measurement of more than thirty-four (34) inches that are taken under permit from the Division of Fish and Game, tagged, and reported to the Division within a time to be specified, or except as specified in section 7 of this act.
7. It shall be unlawful for any live marine turtle and eggs to be captured or held in captivity or transported within or across the boundaries of the State except by special permit which will be granted by the Division of Fish and Game only for educational or scientific purposes. The number of animals held for such purposes by any one person or institution shall not exceed that as deemed reasonable, prudent and necessary by the Division of Fish and Game.
8. Any officer or agent authorized by the Division of Fish and Game shall have authority to execute any warrant to search for and seize any animal or animal product held in violation of sections 1 through 7 of this act. Such material shall be held pending proceedings in any court of proper jurisdiction. Upon the conviction of any person charged with a violation of section 1 through 7 of this act the animal or animal product seized shall be forfeited and either released, offered to a recognized institution for scientific or educational purposes, or destroyed.
9. Any person convicted of violating any section of this act shall be fined not more than \$500 or imprisoned not more than 6 months or both.



LIBRARY OF  
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MINUTES

OF ANIMAL SPECIES ADVISORY COMMISSION MEETING

(Tues.) June 5, 1973

Lt. Governor's Conference Room, 5th floor  
State Capitol, Honolulu, Hawaii

MEMBERS PRESENT:

1. X Ronald J. Endrizal, Chairman <sup>5522 96821</sup>  
*Kalaniana'ole*
2. Michio Takata
3. Alan C. Ziegler
4. Frank J. Radovsky
5. X John W. Beardsley - <sup>892 HaO 96821</sup>
6. X Ruth A. Gay - <sup>1626 Ruth Pl 96816</sup>
7. X Andrew J. Berger - <sup>1550 Wilder Ave 96822</sup>
8. <sup>Mr</sup> Earl J. Pacheco - <sup>29 AKEAST Hilo 96720</sup>
9. <sup>ME</sup> Philip M. Yamagata - <sup>4597 Oloheua Rd KAPA K-96746</sup>

MEMBERS ABSENT:

1. Garth I. Murphy
2. <sup>Dr</sup> Wilbert Y. K. Yee - <sup>393 Lihohihost</sup>  
<sup>WAIZUKU,</sup>  
<sup>96732</sup>

OTHERS PRESENT:

1. Laurel Murphy, Honolulu Advertiser
2. Robert Miller, Governor's Office
3. Mrs. Mae E. Mull, Life of the Land/Hawaii Audubon Society
4. Steven Montgomery, Natural Area Reserves System Commission
5. Ronald L. Walker, Division of Fish and Game
6. David H. Woodside, " " " "
7. Lillian A. Nishihira, " " " "

AGENDA:

1. Federal Aid Project Proposal, DJ (Fisheries) Program, 1973-74
2. Federal Aid Project Proposal, PL 88-309 (Commercial Fisheries Program, 1973-74
3. Federal Aid Project Proposal, PR (Wildlife) Program, 1973-74
4. Attorney General's Opinion on Proposed Turtle Regulation
5. Forest Planting Plans
6. Follow-up report on Escaped Cage Birds
7. Status Report on Regulations 23, 6 and 28

Meeting was called to order by Chairman Endrizal at 1:15 p.m. in the Lt. Governor's conference room on Tuesday, June 5, 1973.

1. DJ (Fisheries) Proposal, 1973-74:

Mr. Ego, Fisheries Branch Chief, briefed the Commission on the Dingell-Johnson Fisheries Project Proposal for F.Y. 1973-74, drafts of which were mailed to the ASAC members. He outlined the various freshwater and marine fisheries jobs totalling \$243,473 covered under this program.



In regard to the table "Development and Operations Work Plan and Report Format," Dr. Radovsky suggested that instead of merely stating various species, that the fish species for stocking be designated. He then moved that the "DJ plan as presented be approved by the Commission with the stipulation that the fish species be designated in the table." Dr. Ziegler seconded the motion.

Mrs. Gay mentioned that the Commission should also be notified of any future stockings of fish by the Fish and Game Division that has not already been acted on by the Commission.

Mr. Takata stated that the stipulation incorporated in Dr. Radovsky's motion is acceptable because the Federal Aid documents have not as yet been submitted to the Portland Regional office. As far as Mrs. Gay's concern, Mr. Takata reiterated that the law already stipulates that all introductions, whether they be from one island to another or from without the State into the State, will have to come before the Commission. Therefore, under the purview of Act 195 the Division of Fish and Game will seek the advice of the ASAC prior to such stocking.

ACTION: The Commission voted unanimously to accept Dr. Radovsky's motion to approve the Dingell-Johnson (Fisheries) Plan for F.Y. 1973-74 as presented by Mr. Ego, with the stipulation that the fish species be designated in the Development and Operations Work Plan table.

2. PL 88-309 (Commercial Fisheries) Proposal, 1973-74:

PL 88-309, Development of Prawn Culture Industry in Hawaii, for F.Y. 1973-74, copies of the draft agreement which were mailed to the Commission members, was next discussed.

Mr. Ego explained that the Division of Fish and Game has been working on the Prawn project for the past six years and the six jobs outlined in the agreement will cost an estimated \$61,000 for the coming fiscal year.

Mr. Takata moved that the "Commission approve the PL 88-309 submittal as presented by Mr. Ego." Mr. Yamagata seconded.

ACTION: The Commission voted unanimously to accept PL 88-309 for Fiscal Year 1973-74 as presented by Mr. Ego.

3. PR (Wildlife) Proposal, 1973-74:

The Pittman-Robertson project proposal for Federal Aid in Wildlife Restoration for F.Y. 1973-74, drafts of which were mailed to Commission members, was explained to the members by Mr. Walker, Acting Wildlife Branch Chief. The annual cost of this wildlife program is \$240,000 of which \$180,000 is the Federal share.

Drs. Berger and Ziegler expressed dissatisfaction in that of the 11 Research and Surveys/Inventories studies, not one project deals with native endemic birds. They were concerned that nothing was being done by the Division as mandated by SR-307 (1973) relating to the establishment of wildlife refuges and research for



the protection of endangered Hawaiian waterbirds. In it, Dr. Ziegler said that it asks that the Fish and Game Division acquire land to formulate research and development projects under the Federal Aid in Wildlife Restoration Act. We don't see any attempt by Fish and Game to do this. He suggested that money from some other project be diverted to get at least an initial research program underway on the native endemic bird.

Dr. Berger felt that inventory work is the most superficial kind of game management. They are necessary but they don't tell us the limiting factors-- Why are the birds increasing or decreasing? He also mentioned that by planting exotic grasses, not native grasses, for game birds, as proposed in the plan, Fish and Game cannot maintain an eco system. He then suggested that the Division get a full-time man to do research on the whole eco system and that this position be included in the Federal Aid project proposal.

Mr. Walker replied that although it is desirable to detail a man in range ecology work, Fish and Game does not have a man of this caliber on its staff. The Hawaii District Biologist is trained in wildlife management, and like most of the other biologists has had some range management course but this will not qualify him as an expert range ecologist.

At this point, Mr. Robert Miller, Administrative Assistant from the Governor's office, spoke. "I am very familiar with your manpower constraints. At the last meeting I questioned you about positions that you couldn't get any matching funds. You had three-quarters of a man's salary for consultant contract paid and you didn't think you could get State money to match it. I checked with the Governor and there is a strong possibility that you could. The only condition on this is the Governor does not want any more bodies hired. But, as far as carrying out a consultant research project where you are not monitoring this man's time to carry out a study that is proposed and three-quarters of his salary to do that is paid out of Federal funds, there is a very high likelihood that you could pick up State money for this position. You are not picking up a body, you are not taking care of his health insurance; you are not supervising this man."

Mr. Takata asked Mr. Miller where the source of this fund would be. Mr. Miller replied, "I assume it would come out of the General Fund."

A lengthy discussion ensued on the inadequacy of the PR project proposal. Dr. Berger asked for an extension of time in the submission deadline to the Portland Regional office. Mr. Takata replied that insofar as extension is concerned, approval is not retroactive. He therefore asked the Commission not to be concerned too much with the five-year plan which was formulated three years ago, but to concern itself with the amendments that are being made so that the one-year plan can be implemented.

Dr. Ziegler directed the following statement to Chairman Endrizal: "I would be happy to head a sub-committee and write to Portland and explain some of the things in the proposal which are in violation of State laws." At Chairman Endrizal's questioning as to specifically where the violation was, Dr. Ziegler replied "The Endangered Species Act. We also have a program formulated here to destroy endangered species by bulldozing."



Dr. Ziegler read a letter he received from Senator Inouye's office. This was a letter dated January 29, 1973 to Senator Inouye from Willis King, Assistant Director of the U. S. Bureau of Sport Fisheries in Washington, D.C. One of the questions asked in this letter was "Can PR money be used for endangered species?" Answer: "Information on policy statements, precedents and/or regulations relating to the use of wildlife restoration funds for endangered species, there are no restrictions on the use of these funds for endangered species."

If this is so, Mr. Pacheco said that the PR Act should be changed. He understood that the Federal Aid funds for the PR Wildlife Restoration Act comes from excise tax collected on sporting arms and ammunition for use on hunter-oriented projects.

Mr. Miller handed Chairman Endrizal a copy of "Possible Job Description for a New Hawaii Division of Fish and Game Position" which Chairman Endrizal read to the Commission.

"Job Title: Habitat Ecologist

Job Duties: 1. Determine optimum carrying capacities of ranges for game species in the State of Hawaii

2. Monitor ecological changes resulting from variations in population numbers of game species.

3. Complete and update habitat classification map of the State of Hawaii."

Mr. Miller explained, "The job description is very broad. I don't think it would be possible for one man to do all of these jobs. However, if the job can be confined specifically to the Mauna Kea area and the sheep, I assume one man can do the job. I guess you could set the salary. I checked with the Attorney General's office so that we don't run into problems with the Department of Personnel Services. It shouldn't be titled Job Description--it is a contracting type of a job."

Dr. Ziegler said that since we have an official suggestion from Mr. Miller that there is a possibility of a consultant for research, he asked of the possibility of writing in such a job in the amendment.

Mr. Takata replied that there was not enough time to do it at this time. However, if the contractual job such as is being proposed is later implemented, Fish and Game can still write to the Federal government to amend the 5-year plan. He tried to impress upon the Commission members that the deadline for submittal of the annual segment is June 8, and that there was no time to find out who is available to do the job, negotiate with the individual and write up a project statement in time to make the June 8th deadline.

Dr. Beardsley told Mr. Takata that he thinks there are several people at the University of Hawaii who might qualify for the Habitat Ecologist position. If there is anyone who is interested and qualifies, Mr. Takata asked that he be apprised.



He further said that if the Commission doesn't act on this project proposal today, he will still have to submit it to Portland, otherwise receipt of Federal funds will be jeopardized.

Dr. Berger asked Mr. Takata if the Commission members could receive the final typewritten copy of the Federal Aid documents. Mr. Takata replied "yes, but essentially it will be the same report that the Commission is reviewing today, except that it will be typewritten." Dr. Ziegler responded "If it is going to be the same as this report, why are we meeting today?"

Dr. Radovsky replied, "I think the main point is if there is approval to be given on this, it requires six votes. This, as I understand it, cannot be submitted without a vote from the Commission?"

Mr. Takata answered, "I don't know; that has not yet been determined. The opinion rendered from the Attorney General's office is that for any action of the Commission to be valid, it has to have 6 votes."

Dr. Radovsky further stated, "The point I am trying to make is that I think that probably the majority of the people on this Commission would advise that this document be submitted if it be understood that certain recommendations of the Commission are being taken under advisement. There isn't any purpose if we came in here without offering any significant advice. So, just as we had made stipulations with respect to approval of the DJ documents, I think we should be able in this instance to make certain stipulations with respect to future changes in the PR project documents even if it is not made in the submittal that is sent in on June 8th. Is this a reasonable approach?"

Mr. Takata emphatically agreed and said that this is the point he was trying to get across to the Commission right along.

The development, maintenance and operation section of the PR jobs was next discussed.

Dr. Ziegler was critical of this section since no provisions were made for land acquisition to maintain the habitat of endangered species. Mr. Takata replied that a continuous program of investigation is being carried out for possible acquisitions and as a matter of fact, the Division has been negotiating with private land owners for a number of years (with Bishop Estate, for example, for Opaoula Pond). He told Dr. Ziegler to please let him know if he knew of a private land owner who is amenable to sell his land so that the project agreement can be amended at that time to include the purchase price of that land.

**ACTION:** Mrs. Gay "moved that upon review of the Pittman-Robertson proposed amendments, the Commission advise that these proposals do not reflect management plans for all wildlife and that they lack needed emphasis toward the promotion of game management on a carrying capacity basis." Dr. Ziegler seconded.

Mrs. Gay felt that the above motion is in intent giving advice to the Division of Fish and Game as required by law. After a discussion as to whether Mrs. Gay's motion was in order since it lacked action on approval or disapproval of the PR project disposal, the Commission decided to vote on Mrs. Gay's motion:



Favor. . . . .	7
Oppose . . . . .	1 (Pacheco)
Abstain. . . . .	1 (Endrizal)

4. AG's Opinion on Proposed Turtle Regulation:

Dr. Radovsky expressed dissatisfaction with the Attorney General's response of April 26, 1973 to Mr. Takata's inquiry of January 30, 1973 relative to the legality of certain provisions of the proposed regulation on marine turtles. He felt that the response was only to item 2 of Mr. Takata's letter and was not clear or in depth.

Dr. Radovsky "moved that the Animal Species Advisory Commission request the Director of Fish and Game to ask the Attorney General for a further response to his (Mr. Takata's) memo of January 30, 1973:

1. Response to items 1 and 3.
2. Clarification of response to item 2, re:
  - a. The fact that this regulation does not discriminate by intent in terms of commercial use between inter-state and intra-state.
  - b. Citation of precedent decisions that are more clearly relevant to the proposed regulation.
  - c. Clarification of how States that prohibit sale of certain products are able to regulate importation of these products.
3. A recommendation from the Attorney General on how the intent of the regulation can be achieved by constitutional means.
4. Would section 2 of the regulation be constitutional (if change is essential) if the following phrase is added to the end of the sentence: . . . . . from outside the U.S. for any purpose, or from within the territory of the U.S. for commercial purposes."

Dr. Ziegler seconded the motion.

Dr. Radovsky also suggested that in the same communication to the Attorney General, a sentence be added requesting a response prior to the July 13, 1973 meeting of the ASAC.

Mr. Takata said that item 1 of his letter is a moot question now since the legislature amended a law which gives the DLNR the authority to regulate all marine species. At the time the opinion was requested this past January, the amendment was not yet adopted by the legislature.



ACTION: The Commission voted to adopt Dr. Radovsky's motion as follows:

Favor . . . . . 8  
Abstain . . . . . 1

5. Forest Planting Plans:

Chairman Endrizal read a letter from State Forester Tom Tagawa dated June 4, 1973 transmitting 15 copies of the Forest Planting Plans for F. Y. 1972-76 for review by the Commission.

It was suggested and agreed by the Commission members that Chairman Endrizal (1) invite Mr. Tagawa to the next meeting of the ASAC and (2) ask Mr. Tagawa to furnish copies of the Environmental Impact Statement, if there is one, so that the Commission members can review the statement prior to the next meeting of July 13, 1973.

6. Follow-up Report of Escaped Cage Birds:

Dr. Ziegler reported that a meeting to discuss escaped cage birds was held at the State Department of Agriculture attended by Messrs. Woodside, Walker, Mull, Berger, William Look (Agriculture), Sotaro Uehara (Agriculture) and himself.

Dr. Ziegler asked Mr. Woodside to report what had transpired at this meeting since he was more familiar with the situation.

Mr. Woodside said that the meeting acknowledged the fact or discussed the problem that there are several species of parrots as well as a number of passerine species that have escaped and are reproducing in the wild. The Department of Agriculture indicated that they were aware of this and they have been aware also that people are trapping these birds and putting them back into the market. However, Agriculture did not want at the meeting to make any commitment that they were going to exterminate any of these birds. They felt the first approach should be a publicity campaign calling the public's attention to the damage the escaped cage birds may do to agriculture, native birds, and as possible carriers of disease.

Mr. Walker mentioned that the question of "Who is to eradicate these escaped cage birds?" was left unanswered since both Agriculture and Fish and Game lack the manpower to do this.

Dr. Ziegler suggested that although the responsibility of eradicating cage birds seems to be that of Agriculture, he thought the Commission may want to recommend to Fish and Game that they give whatever aid they can to Agriculture.

ACTION: Dr. Radovsky moved "that a general letter of concern be sent by the Chairman of this Commission at this time to Fish and Game with copies to the Department of Agriculture, Governor's Office and the Department of Health expressing concern over the problem of escaped cage birds with an indication that they will make more specific recommendations subsequently."

Dr. Berger seconded the motion.

Motion was passed unanimously.



7. Status Report of Regulations 23, 6 and 28:

Mr. Walker reported that:

Regulation 23 concerning game mammal hunting on the Island of Hawaii is still at the Governor's office awaiting his signature.

Regulation 6 concerning indigenous birds and mammals and non-indigenous wild birds and Regulation 28 concerning game mammal hunting on Oahu were both considered at a public hearing held on May 30, 1973 and the Division is now waiting out the 15-day period for testimonies.

The Board of Land and Natural Resources will then consider both regulations at its June 22, 1973 meeting.

A lengthy discussion followed on the definition of birds as they appeared on the list attached to Regulation 6.

Mrs. Gay mentioned that the preliminary draft of Regulation 6 that was reviewed by the Commission was not the same draft that was discussed at the public hearing and therefore requested that the final draft be submitted to the Commission.

Dr. Ziegler "moved that the Commission table further discussion and action on Regulation 6 and 28 until the next meeting." Motion seconded by Dr. Beardsley.

Mr. Takata said that Fish and Game will be sending the final drafts of Regulations 6 and 28 to members of the Commission for consideration at its next meeting in July. This would mean that the planned schedule of submitting the two regulations to the Board of Land and Natural Resources at its June 22nd meeting cannot be met. In the meantime Mr. Takata stated that he is still awaiting a ruling from the Attorney General's office as to whether or not the ASAC has to act on the final draft, principle, or intent of Fish and Game regulations.

**ACTION:** The Commission voted unanimously to table further discussion and action on Regulations 6 and 28 until the July 13th meeting.

Mrs. Gay asked to comment on Regulation 23 in light of the new problem that has arisen since the new regulation had not been signed by the Governor and therefore could not be implemented.

Mrs. Gay "moved that the Commission in view of recent developments regarding Regulation 23 recommend the reinstatement of an open season of one weekend per month for twelve months per year and the adoption of a season limit of 4 (2 sheep per 6-month period) for feral sheep in Unit A; and that notification of this action be forwarded to the Land Department and the Governor."

Dr. Radovsky seconded.



Mr. Walker stated that he felt the recommendations in Mrs. Gay's motion would require another public hearing since any changes that are made now that were not reflected in the testimony made at the public hearing, will have to be brought up again at another hearing.

Mr. Pacheco "moved to table Mrs. Gay's motion" which was seconded by Mr. Yamagata.

Chairman Endrizal called for a vote on the tabling which resulted in:

Favor . . . . . 4 (Pacheco, Yamagata, Endrizal, Berger)  
Oppose. . . . . 4 (Gay, Ziegler, Beardsley, Radovsky)

Motion to table failed.

Mr. Pacheco didn't feel that Mrs. Gay fully understood Regulation 23. That there were to be 13 weekends of hunting in Mauna Kea instead of 12 by June 30, 1974. The intent of including May and June was to get the program implemented as soon as possible. He said the reason Regulation 23 was rejected by the hunters on the Big Island was simply for the reason that he had recommended that there be a year-round hunting season on Mauna Kea. The Big Island hunters vehemently objected to reducing the sheep population from 2,500 to 1,500. Mr. Pacheco said he has tried very hard to work in good faith with the Commission, NARS and the Fish and Game Division in spite of trying times, especially when he runs into opposition from his people on the Big Island. Twenty years ago he mentioned that the Big Island hunters had the same problem. They had Fish and Game practically commit itself to maintain a 2,500 herd of sheep on Mauna Kea at all times. He realizes that conditions have since drastically changed and that Mauna Kea can no longer support 2,500 sheep. He felt that the proposed Regulation 23 would be a workable solution and therefore wanted to at least give it a try for a year.

Dr. Radovsky said that he agrees with Mrs. Gay's motion. However, when he voted to approve Regulation 23 he did so as a matter of fact because it had to be implemented so as not to slow up the process to get the regulation through. For the same reason, he asked if he could change his vote to table Mrs. Gay's motion.

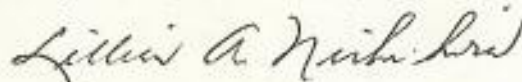
Chairman Endrizal called for a reconsideration of vote to table Mrs. Gay's motion.

Favor . . . . . 7  
Oppose. . . . . 1 (Gay)

ADJOURNMENT OF MEETING:

Meeting adjourned at 5:45 p.m.

Respectfully submitted,



Lillian A. Nishihira  
Secretary Pro-tem



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

John W. Beardsley, Chairman  
Animal Species Advisory Commission

May 24, 1976

MEMORANDUM

To : Members, Animal Species Advisory Commission  
From : John W. Beardsley, Chairman  
Subject : May 1976 Meeting of the Animal Species Advisory Commission

DATE : Friday, May 28, 1976

TIME : 1:00 p. m.

PLACE : Conference Room 322-a, State Office Building #1,  
1151 Punchbowl Street, 3rd floor, Honolulu, Hawaii

- AGENDA:
1. Approval of Minutes of 3/19/76 and 4/23/76 meetings
  2. Proposed ASAC Support of Position on Game Management as presented in Mauna Kea Master Plan of May 1976 (report attached) ..... Beardsley
  3. Proposed State-Federal Assessment Study of Marine Resources of Northwestern Hawaiian Islands National Wildlife Refuge, as requested by Ziegler and Gay (Senate Resolution 257 attached) ..... Ego
  4. Continue Discussion of Plans for the Protection of Molokini Shoals
  5. Report from Division of Fish and Game on Status of Negative Declaration on Herbicide Application Program, Kekaha Game Management Area, Kauai ..... Walker
- Report on Consultation with University Environ. Center. Beardsley

attachments:

- Parking permits
- P. O. for air fare
- Mauna Kea Master Plan, May 1976
- S. R. 257/76
- 5/14/76 letter from Berger, Palila Recovery Team Leader to Cobb
- 5/3/76 letter from Beardsley to Cobb re: Maui's Hanawi Stream

*John W. Beardsley*  
(for) JOHN W. BEARDSLEY, Chairman  
Animal Species Advisory Commission



MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, March 19, 1976  
Lt. Governor's Conference Room, 5th floor  
State Capitol, Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W.
2. Berger, Andrew J.
3. Gay, Ruth A.
4. Lau, Henry T. S.
5. Obata, John K.
6. Radovsky, Frank J.
7. Reeser, Donald W.
8. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Takata, Michio
3. Tanigawa, Alvin

OTHERS PRESENT:

1. Caesar J. Jardin, Vice-Chairman, Kauai Fish and Wildlife Advisory Committee
2. Paul Scowcroft, U. S. Forest Service
3. Ronald L. Walker, Division of Fish and Game
4. David H. Woodside, " " " " "
5. Henry M. Sakuda, " " " " "
6. Lillian A. Nishihira, " " " " "

AGENDA:

1. Approval of Minutes of Meeting of February 20, 1976
2. Report of Palila Recovery Team
3. Project Proposal, Mamane Ecosystem Study
4. Discussion of H. B. 2210, Relating to the Conservation, Mgt. and Protection of Endangered Species of Wildlife and Plants
5. Request for Information on HWRRS Fish and Wildlife Study Element Plan
6. Final Draft of Regulation 24, Relating to Game Mammal Hunting, Maui
7. Draft #1, Regulation 1, Prohibiting Hunting of Wildlife on Public Lands;  
Draft #4, Regulation 7, Concerning Hawaii State Seabird Sanctuary
8. Proposed Draft Regulation on Coral
9. Report on Opihi Public Meeting, Maui
10. Discussion on Field Trials
11. Hunter Safety Training Program (Added Item)

Meeting was called to order by Chairman Beardsley at 1:10 p.m.

1. Approval of Minutes of Meeting of February 20, 1976

Minutes approved as submitted.

2. Report of Palila Recovery Team

Dr. Berger was pleased to report that the Palila Recovery Team had finally completed its draft plan and sent it to Portland a week ago. He said copies of the draft plan will eventually be sent to all interested individuals, agencies and Commissions in the State.



3. Project Proposal, Mamane Ecosystem Study

A copy of the "Study Proposal for a Vegetation Analysis of the Mamane Ecosystem on Mauna Kea, Island of Hawaii" as prepared by an ad hoc committee of the Animal Species Advisory Commission composed of Ruth Gay, Chairman; John Obata, Frank Radovsky, Donald Reeser, and Ronald Walker, members, dated March 1976, was furnished the Commission members with the March 19, 1976 agenda.

Ms. Gay reviewed briefly the points that the subcommittee wished the Commission to consider. A minimum time frame was set so that the information would hopefully come out within three years, she said. She called for revisions from the Commission members but said it would be desirable if the subcommittee could submit this proposal as a whole for approval today.

Chairman Beardsley asked for comments or questions from the Commission on the proposal and stated that the report that Ms. Gay and her subcommittee had prepared was excellent in his view.

Motion by Dr. Berger, seconded by Ziegler, and unanimously carried.

MOTION: That the Ad hoc Committee be allowed to tidy up the Study Proposal for a Vegetation Analysis of the Mamane Ecosystem on Mauna Kea, Island of Hawaii, and the ASAC approves the proposal in principle at this point for transmission to the Division of Fish and Game for their action or consideration.

4. Discussion of H. B. 2210, Relating to the Conservation, Management and Protection of Endangered Species of Wildlife and Plants

Chairman Beardsley said that he had put this item on the agenda because of a letter he received from Mr. Kahler Martinson, Regional Director of the U. S. Fish and Wildlife Service in Portland with regard to Act 65 of 1975 concerning the protection of endangered species. He said H. B. 2210 would bring the State of Hawaii law in line with the Federal regulation so that Fish and Game would be eligible for a cooperative agreement and Federal funds to implement this program.

5. Request for Information on HWRRS Fish and Wildlife Study Element Plan

At the request of Dr. Ziegler, Mr. David Woodside explained how the HWRRS Fish and Wildlife Study Element Plan was conceived. He said that the HWRRS had a number of study element teams. Fish and Game received \$19,000 to do this report and contracted Dr. Robert Shallenberger who did much of the compiling based upon information in Division of Fish and Game files. The purpose was to put together a report signifying the needs, problems and opportunities of fish and wildlife management in the State of Hawaii throughout the year 2000. He felt any comments should be referred to Fish and Game or to HWRRS. He said there was limited distribution of the report, about 100 copies of which were sent to all libraries.

Commission members thought this was a good report even though it is stamped as preliminary draft but did not know whether the report would be finalized.



Mr. Woodside also mentioned that there was a recreation study element team which was supposed to consider water related land recreation. This team was supposed to study hunting and fishing aspects but was not able to function as it was supposed to. Therefore, hunting and fishing are not covered too well in the report.

6. Final Draft of Regulation 24, Relating to Game Mammal Hunting, Maui

Mr. Walker stated that the final draft of Regulation 24 will be presented to the BLNR for adoption at its March 25, 1976 meeting. The regulation was subjected to public hearing and the testimonies received were not unanimous in many cases. Some recommended going ahead with the major proposal of closing the pig season and others recommended keeping it open. After evaluating all of the testimonies, the final draft was developed. Mr. Walker explained the proposed amendments to Regulation 24.

Motion by Mr. Lau, seconded by Dr. Ziegler, and unanimously carried.

MOTION: That the ASAC recommends to the Board of Land and Natural Resources that it approve the final draft of Regulation 24 dated March 12, 1976.

7. Draft #1, Regulation 1, Prohibiting Hunting of Wildlife on Public Lands; Draft #4, Regulation 7, Concerning Hawaii State Seabird Sanctuary

Regulation 1

Mr. Woodside stated that the present Regulation 1 prohibiting the hunting of wildlife on public lands and other lands under the control of the Board of Land and Natural Resources, although ten years old, is not enforceable. The Enforcement Branch had asked that the regulation be amended. Therefore, the penalty clause and the language in various sections were changed to bring it up to date, but there was no change in content or effect.

Motion by Dr. Berger, seconded by Dr. Radovsky, and unanimously carried.

MOTION: That the Animal Species Advisory Commission recommends that draft #1 of Regulation 1 be subjected to public hearing.

Regulation 7

Regulation 7 concerning the establishment, protection and regulation of the Hawaii Seabird sanctuary as it is proposed will add about 31 islands to the 5 islands currently designated as wildlife sanctuaries. Mr. Woodside said the thinking on this regulation was to prohibit activities detrimental to seabirds on these islands, especially the most accessible ones.

Members suggested the following changes:

Section 3A 3. Add the words intentionally or negligently at the end of the sentence so that it reads: "To introduce or land any plant or animal intentionally or negligently."

Section 3A 10. Add the word open fires, so that it would read: "To start or maintain any open fires."

Add another section authorizing the Board to close or open an island or portions of an island as it deems necessary.

Motion by Dr. Radovsky, seconded by Dr. Ziegler, and unanimously carried.

MOTION: That draft #4 of Regulation 7, Section 3B be amended to include a provision for closure of additional islands, besides those already named in this section, when it deemed justifiable in the public interest.

#### 8. Proposed Draft Regulation on Coral

Mr. Henry Sakuda reported that the Division of Fish and Game drafted the proposed regulation relating to the protection of stony and precious corals following Dr. Richard Grigg's recommendation. Copies of the preliminary draft regulation of 3/19/76 were distributed to Commission members at the meeting. A short discussion ensued.

Motion by Dr. Ziegler, seconded by Dr. Radovsky and unanimously passed.

MOTION: That the Animal Species Advisory Commission recommend to the Division of Fish and Game subjecting the coral regulation to public hearing.

#### 9. Report on Opihi Public Meeting, Maui

Mr. Lau reported that he was surprised to learn at the Maui public meeting which he conducted that 20 out of the 40 people in attendance were against any Opihi regulation because they felt there was an abundance of Opihi. He now plans to hold public meetings on Lanai and Molokai in early April.

Mr. Reeser reported that the Hawaii Committee held 3 more public meetings on the Big Island, but that the turnout was not too good.

Mr. Jardin reported that the Kauai Committee held informal public meetings and the general consensus was for some type of Opihi regulation although they were not specific as to the exact type they would favor.

#### 10. Discussion on Field Trials

The item on field trials was added to the agenda at the request of Mr. Ronald Endrizal who informed Chairman Beardsley that he would be present at today's meeting to discuss this particular item. However, Mr. Endrizal was not present.

Nevertheless, Chairman Beardsley advised the members that he understood that the Associated Field Trial Club recently had some difficulty in getting their Field Trial Permit which prompted the resolution drafted by Mr. Endrizal for consideration by ASAC.



Mr. Walker explained that until recently the Division of Fish and Game had been routinely approving Field Trial Permits pursuant to Regulation 3. However, there was some concern about the introduction of Bob White and Japanese quail and the question of whether it would require an environmental impact statement pursuant to Act 195 was brought up. This caused a delay in the Club's field trial for the first weekend. The Attorney General verbally advised the Division to go ahead and issue the Field Trial Permit and if contested later, it will be taken up then. Based on this verbal approval, the Permit was signed but Mr. Walker said it still constitutes a question which should be clarified.

Chairman Beardsley stated that no action or motion was required from the Commission on this item since he had merely brought up this matter at Mr. Endrizal's request.

11. Hunter Safety Training Program (Added item)

It was unanimously approved to have this item added to the agenda.

Mr. Walker apprised the Commission of the resolution which was before the House Lands Committee on the Hunter Safety Program and asked the Commission for its advice on how Fish and Game should handle the area of the Hunter Safety Coordinator.

Motion by Dr. Radovsky seconded by Dr. Berger and unanimously carried.

MOTION: That the Division of Fish and Game establish and fill the position of Hunter Safety Coordinator with a Division employee on the grounds that this position and the primary administration of the program should be under the control of the Division; further, that any portions of the Hunter Safety Training program that in view of the Division could be properly managed should be allocated to a sportsman's club.

NEXT MEETING:

Next meeting scheduled for Friday, April 23, 1976.

ADJOURNMENT OF MEETING:

Meeting adjourned at 3:50 p.m.

Respectfully submitted,



LILLIAN A. NISHIHIRA  
Secretary Pro tem

MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, April 23, 1976  
Senate Conference Room 5, 2nd floor  
State Capitol, Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W.
2. Fujimura, Takuji (arrived at 2:35 pm)
3. Gay, Ruth A. (arrived at 1:40 pm)
4. Obata, John K.
5. Reeser, Donald W.
6. Takata, Michio
7. Ziegler, Alan C.

MEMBERS ABSENT:

1. Berger, Andrew J.
2. Lau, Henry T. S.
3. Radovsky, Frank J.
4. Tanigawa, Alvin

OTHERS PRESENT:

1. John Ford, U.H. Cooperative Fisheries Unit
2. Dr. Amadeo Timbol, Cooperative Fisheries Unit
3. Carl Couret, Student at U.H.
4. Dr. Sheila Conant, University of Hawaii
5. Steve Montgomery, Natural Area Reserves Commission
6. Ronald L. Walker, Division of Fish and Game
7. Kenji Ego, Division of Fish and Game
8. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Report by Division of Fish and Game on Statewide status of freshwater stream life, with particular emphasis on the Maui situation.
2. Discussion on protection of Molokini Shoals.
3. Negative declaration on herbicide application program, Kekaha GMA, Kauai (old business).
4. Review and discussion of Regulation 29 (draft #1), concerning game mammal hunting, Kauai.



An informal meeting was called at 1:15 p.m. by Chairman Beardsley due to a lack of quorum (only 5 members present).

Since the item of the Hanawi Stream on Maui was one of the items on the Commission's agenda for discussion, Mr. John Ford of the University of Hawaii Cooperative Fisheries Unit was invited to the meeting. He showed and narrated some interesting and informative slides on the native freshwater animals and East Maui streams. He also passed out for the Commission's information, a 3-page hand-out on "Native Hawaiian Stream Macrofauna (excluding insects and other small invertebrates)."

Chairman Beardsley introduced and welcomed Dr. Sheila Conant who will be replacing Dr. Andrew Berger as the Ornithologist member of the Animal Species Advisory Commission.

Formal meeting called to order at 2:00 p.m. with the arrival of Ms. Gay.

1. Report by Division of Fish and Game on Statewide status of Freshwater Streamlife, with particular emphasis on the Maui situation.

Mr. Takata reported that the Division of Fish and Game has conducted limnological surveys on all of the freshwater streams on Maui and a field survey at Hanawi Stream. He said further that the Division does not have any research projects involving any of these native species at the present time. He stated that some work has been done in the past but since the Cooperative Fisheries Unit at the University of Hawaii has been doing work in the freshwater area, the Division has been depending on them lately for information and research support in the freshwater area. The purpose of conducting the limnological surveys was to assess the potential for developing recreational programs.

Mr. John Ford of the Cooperative Fisheries Unit informed the Commission of the events to date on the Hanawi Stream water removal proposal. On January 5, a negative declaration was issued by Mr. Cobb. The EQC did not publish this until February 23 and a negative declaration was not acceptable. Dr. Maciolek wrote to Mr. Cobb and later received a reply from the Governor that the DLNR had a meeting in February and at that time approved the Conservation District Use Application. It was not on the agenda but it was voted on at the last meeting. The Governor wrote saying that this was the action and that the DLNR was in full consultation with various State and Federal agencies. Subsequently, Dr. Maciolek wrote to these agencies and they replied that they were not familiar with the matter. Subsequently, Senator Jean King by resolution asked that the DLNR reconsider this request, but it failed to pass.

Dr. Ziegler felt that the proposal would have an environmental impact and made the following motion, seconded by Mr. Reeser, and carried.

MOTION: That the Animal Species Advisory Commission transmit the following recommendation to the Chairman and all other members of the State Board of Land and Natural Resources, with copies also to the Governor and the Office of Environmental Quality:



"The withdrawal of from 70 to 80% of normal waterflow from Maui's Hanawi Stream; an action recently proposed by the East Maui Irrigation Company, raises serious question as to its significant effects upon the environment as described in the regulations of the State Environmental Quality Commission. The Animal Species Advisory Commission thus strongly recommends to the Board of Land and Natural Resources that it require the preparation of an Environmental Impact Statement covering this proposed major dewatering of an irreplaceable native Hawaiian water-course."

Vote in favor: 6 (Beardsley, Ziegler, Obata, Gay, Reeser,  
Fujimura)

Vote opposed: 0

Abstention : 1 (Takata)

2. Discussion of Plans for the Protection of Molokini Shoals

Mr. Obata stated that this matter was put on the agenda at the request of Steve Montgomery of NARS.

Mr. Montgomery reported that Senate Resolution 416 recently passed by the legislature requests expeditious protection of Molokini Shoals. He asked the members if the ASAC would like to get involved in the public meetings as called for in the resolution. In the absence of Maui member, Mr. Henry Lau, and because Molokini Shoals involves Maui County, it was decided to defer further discussion.

3. Negative Declaration on Herbicide Application Program, Kekaha GMA, Kauai (old business)

Chairman Beardsley stated that he placed this item on the agenda primarily in light of the letter he received from Dr. Doak Cox of the U. H. Environmental Center (copy of this March 16, 1976 letter attached to the agenda). He refreshed the members' memory on the letter the Commission had received earlier from Christopher Cobb, Chairman of DLNR, relating that it was his understanding that the Division of Fish and Game was not required to seek the advise of the ASAC on the application of herbicide at the Kekaha Game Management Area. Dr. Cox's interpretation as contained in his March 16th letter, however, was that the endangered species act states that DLNR shall coordinate with the Natural Area Reserves Commission and the Animal Species Advisory Commission.

Ms. Gay felt that to her knowledge no potential endangered plant species were pinpointed in the area. In the negative declaration she thought it indicated a possibility that owls or other native birds might frequent that area on occasion.

Chairman responded the safest course of action if there is a question of whether there are any endangered species, or not, would be to bring the matter up to the Commission.



Mr. Takata reiterated that it was not the intent of the Division of Fish and Game to avoid bringing this matter to the Commission. He stated that this was a continuing project that has been going on for many years. Others were applying some herbicides on pasture land so Tom Telfer, our Kauai wildlife biologist, prepared a negative statement.

Mr. Walker added that the source of the question of whether an assessment was needed was Mr. Telfer himself. He wrote the assessment and attached it to the negative statement because he felt there might be a need for one. Subsequently, the Division sent a memo to Dr. Marland of the Office of Environmental Quality Control with backup material (1/16/76 memo from Cobb to Marland).

Dr. Ziegler suggested that Chairman Beardsley inquire of the EQC office if the negative declaration was in compliance with its regulations.

Mr. Takata felt that the Division of Fish and Game should follow up on the status of the results of our inquiry.

Ms. Gay suggested that Chairman Beardsley contact Dr. Doak Cox on a follow-up response to his letter of March 16 in which he states that "We will be responding further to this issue in the next few days."

Chairman Beardsley said that he will ask Mr. James Kim of the Department of Agriculture to speak on the State laws on pesticide usage and perhaps a federal official also.

4. Review and Discussion of Regulation 29 (Draft #1) concerning Game Mammal Hunting, Kauai

Wildlife Branch Chief, Ronald Walker, summarized the major changes proposed for Regulation 29 which concern game mammal hunting on the island of Kauai.

Motion by Dr. Ziegler, seconded by Mr. Reeser, and unanimously carried.

MOTION: That the Division of Fish and Game proceed with the public hearing on the amendment of Regulation 29.

ANNOUNCEMENT:

Mr. Reeser announced that today's meeting probably would be his last Commission meeting since his replacement was appointed. He expressed great pleasure in serving on the Animal Species Advisory Commission. Chairman Beardsley in behalf of the Commission extended its appreciation in having Mr. Reeser as a member and contributing tremendous input to the deliberations. He wished him well and looked forward in keeping in touch.

NEXT MEETING:

Next meeting scheduled for Friday, May 28, 1976.

ADJOURNMENT OF MEETING:

Meeting adjourned at 4:10 p.m.

Respectfully submitted,

*Lillian A. Nishihira*

LILLIAN A. NISHIHIRA  
Secretary Pro tem



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Animal Species Advisory Commission  
John W. Beardsley, Chairman

November 5, 1976

To : Members, Animal Species Advisory Commission  
From : John W. Beardsley, Chairman  
Subject: Meeting Notice - Animal Species Advisory Commission

DATE : Friday, NOVEMBER 12, 1976

TIME : 1:00 p. m.

PLACE: New State Office Building - Conference Room #322-C,  
1151 Punchbowl Street, 3rd floor, Honolulu

AGENDA:

1. Approval of Minutes of October 15, 1976 meeting.
2. Discussion of U. S. National Marine Fisheries Service's northern anchovy release program (requested by Ziegler)
3. Discussion of excavation project at Proposed Mana Ponds Wildlife Refuge, Kauai ..... Walker
4. Discussion of Dept. of Land and Natural Resources' proposed Recreation Resource Plan, Island of Kauai... Beardsley

*John W. Beardsley (w)*  
JOHN W. BEARDSLEY, Chairman  
Animal Species Advisory Commission

attachments:

- parking permits
- p. o. for air fare (Pacheco, Lau, Jardin)
- Minutes of 10/15/76 meeting
- Telfer's letter of 10/12/76 to Beardsley re: Mana Ponds Wildlife Project
- Kauai Resource Recreation Plan
- Proposed legislation 9/17/76, incl. justification, re: endangered species

cc Richard Barkley, NMFS



MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, October 15, 1976  
DAGS Conference Room, State Office Building  
Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W. (Chmn.)
2. Conant, Sheila
3. Gay, Ruth A.
4. Jardin, Caesar J.
5. Lau, Henry T. S.
6. Obata, John K.
7. Radovsky, Frank J.
8. Takata, Michio
9. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Pacheco, Earl J.

OTHERS PRESENT:

1. Ronald L. Walker, Division of Fish and Game
2. Eric Onizuka, Division of Fish and Game
3. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Minutes of 7/2/76 and 8/6/76 meetings.
2. Regulation 40 (Draft #4), Manele-Hulopoe Marine Life Conservation District, Lanai.
3. Responses from Advisory Committees on Amendment to Regulation 7, Hawaii State Seabird Sanctuary.
4. ASAC Advice on Herbicide Application Program, Kekaha Game Management Area, Kauai.
- 4a. Silk Oak Tree Clearing within Kekaha Game Management Area, Kauai -- Added item.
5. Progress Report on State Qualification for Entering into Federal Endangered Species Cooperative Program.
6. Mongoose Situation on Kauai.

The meeting was called to order by Chairman Beardsley at 1:15 p.m.

1. Approval of Minutes of 7/2/76 and 8/6/76 meetings

The Minutes were approved as submitted.



2. Regulation 40 (Draft #4), Manele-Hulopoe Marine Life Conservation District, Lanai

Fisheries Biologist Eric Onizuka asked the Commission for their approval of draft #4 of Regulation 40 concerning the establishment, protection and conservation of the Manele-Hulopoe Marine Life Conservation District, Island of Lanai. He said that this proposed Regulation 40 was subjected to public hearings at Lanai City, Lanai on August 25, 1976, at Kahului, Maui on August 26, 1976 and in Honolulu on August 31, 1976. Testimonies received at these hearings were considered in making up the draft #4 of Regulation 40. He said further that the Board of Land and Natural Resources will be acting on this proposed Regulation 40 at its meeting of October 22, 1976.

Comments expressed on the regulation were all favorable, with one exception. Dr. Ziegler thought the word "except" on page 2, section 2(b) of the regulation should be omitted. He also suggested that the regulation be rewritten using simpler language so that it would be more easily understood by the general public. Mr. Takata replied that Dr. Ziegler's comments were well taken and that his suggestion will be carried out without changing the substance of the regulation.

The following motion by Dr. Conant, seconded by Mr. Obata was carried by a vote of 8 in favor and 1 abstention (Jardin).

MOTION: That the Animal Species Advisory Commission go on record as approving, in substance, draft #4 of Regulation 40 for presentation to the Board of Land and Natural Resources at its meeting of October 22, 1976.

3. Response from County Advisory Committees on Request to Hold Public Meetings on Amendment to Regulation 7, Hawaii Seabird Sanctuary

Mr. Walker said that the Division of Fish and Game sought the assistance of the County Fish and Wildlife Advisory committees in conducting public meetings on Regulation 7 concerning the Hawaii State Seabird Sanctuary because the Division had experienced poor turnout and a communication problem at its public hearings held earlier. Two public meetings were held on Oahu -- one at Kahaluu on September 14, 1976 and the other at Kailua on September 16, 1976. The Kahaluu group vehemently opposed the establishment of Kapapa Island as a bird sanctuary so Kapapa will be deleted from Regulation 7. Mr. Obata who chaired the two meetings reported that the feelings of the people were that Regulation 7 in substance was "okay" but they were very unhappy about the manner in which the regulation was handled.

Mr. Lau reported that the Maui public meeting held on September 29, 1976 was unsuccessful. In spite of the publicity given, only two persons showed up. One person testified that he wanted to keep the two offshore islands of Moku Mana and Moku Hala, off Keanae, completely "kapu" (restricted).

Mr. Jardid did not see the need for a meeting so no public meeting was held on Kauai.



4. Request for Advice from ASAC on Herbicide Application Program, Kekaha Game Management Area, Kauai

Although this subject matter has been discussed at previous meetings, no action was taken by the Animal Species Advisory Commission, Mr. Walker explained. Presently, chemicals which were to be used for the removal of noxious plants within the Kekaha Game Management Area on Kauai are still stored in a warehouse. He said he was of the understanding that it is up to Mr. Cobb to decide whether or not we should proceed with this project. Earlier, the Division had prepared an environmental assessment and based on that prepared a negative declaration. Mr. Walker then asked the members if they thought the Division should write a full-fledged environmental impact statement (EIS).

It was the concensus of the members that preparing an EIS would be in order. Mr. Jardin interjected that as a Kauai resident and hunter he is aware of the spreading lantana which is taking over the game management area and was quite concerned of the year-long delay in getting this project underway.

Motion by Dr. Radovsky, seconded by Mr. Obata, unanimously carried.

MOTION: That the Division of Fish and Game prepare an Environmental Impact Statement on its proposed Herbicide Application Program for the removal of noxious plants within the Kekaha Game Management Area on Kauai.

4a. Silk Oak Tree Clearing within Kekaha Game Management Area, Kauai -- Added Item

This item was added to the agenda by unanimous vote of the members present.

Chairman Beardsley asked for the Commission's permission to discuss this item now since it was on the same general matter of the Kekaha Game Management Area. He read to the Commission members a letter he had recently received dated September 30, 1976 from Mr. Tom Telfer, Wildlife Biologist on Kauai, regarding the proposed Silk Oak Tree Clearing Project to maintain game bird hunting potentials in the Kekaha Game Management Area. The first of five 100-acre increments of scrub tree clearing is proposed during the 1976-77 fiscal year. Mr. Telfer asked the Commission for comments and recommendation.

Dr. Beardsley said that he had been in the Kekaha area and recollects that the Silk Oaks there are scrubby trees. Mr. Obata thought the trees should be chopped down. Mr. Jardin commented that he is familiar with the request and had heard complaints from hunters that the Silk Oak in certain areas of Kekaha is very dense.

Motion by Dr. Ziegler, seconded by Ms. Gay:

MOTION: That the Animal Species Advisory Commission recommends that the Division of Fish and Game prepare an environmental assessment in conformance with the Environmental Quality Commission rules and regulation for the proposed Silk Oak tree clearing project at the Kekaha Game Management Area on Kauai, soliciting the aid of various other State and private organizations and individuals in preparing this assessment.



Amendment to Dr. Ziegler's motion by Dr. Radovsky, seconded by Mr. Obata and unanimously carried:

AMENDED MOTION: While the Commission does not have any objection to Mr. Telfer's proposal and recommends that the Division of Fish and Game prepare an environmental assessment for the Silk Oak tree clearing project at Kekaha, the Commission would like to see input from the other agencies that are consulted in preparing this assessment and would also like to see the mechanics of clearing and disposing of the slash specified.

5. Progress Report on State Qualification for Entering into Federal Endangered Species Cooperative Agreements

Mr. Walker stated that at the Commission's request, a tracer was sent to our request to the Attorney General for preparation of a Memorandum of Law to determine if Hawaii meets the legal requirements to enter into a cooperative agreement with the federal government pursuant to the Endangered Species Act of 1973. Subsequently, a Memorandum of Law was received from the Attorney General's Office and copies furnished to the Commission members with the agenda.

Mr. Walker apprised the members that the Memorandum of Law is in essence a summary of authority in the Hawaii State Constitution, as well as the Hawaii Revised Statutes. He said the Memorandum of Law will be transmitted shortly to the U.S. Fish and Wildlife Service which agency had indicated earlier that Act 65/1975 did not satisfy the provision of the federal Endangered Species Act of 1973 and Hawaii therefore did not qualify to enter into a cooperative agreement with the federal government and thereby participate in the benefits of the federal Act including receipt of grants-in-aid funds. However, he said, the question still remains, "Does Hawaii qualify under the Endangered Species Act of 1973?"

Mr. Walker further commented that the Division is proceeding at the legislative level and has re-submitted a bill for consideration at the 1977 legislative session to correct the deficiencies in Act 65.

Motion by Dr. Ziegler, seconded by Dr. Conant, unanimously carried.

MOTION: That the Animal Species Advisory Commission recommends to the Division of Fish and Game that it write immediately to the federal government and transmit the Memorandum of Law and related matters to determine whether or not the State of Hawaii qualifies for entry into an endangered species cooperative agreement.

6. Opinion on Mongoose Situation - Kauai

Dr. Beardsley asked if there was any substance to a story that appeared in the newspaper reporting sightings of mongoose on the island of Kauai. He said as far as he knows, mongoose is not supposed to be on Kauai. Mr. Walker said that his wildlife staff laid traps each time they had a report and caught cats, rats and toads only. Possibly, it could have been cats instead of mongoose that were seen. Mr. Obata said the State Department of Agriculture also set traps but failed to catch any mongoose.



Minutes of 10/15/76 meeting -- 5

NEXT MEETING:

Next meeting scheduled for Friday, November 12, 1976. An alternate date of December 10, 1976 was also suggested, should the November meeting be cancelled for unforeseen reasons.

ADJOURNMENT OF MEETING:

Meeting adjourned at 3:40 p.m.

Respectfully submitted,

*Lillian A. Nishihira*

LILLIAN A. NISHIHIRA  
Secretary Pro-tem



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Animal Species Advisory Commission

John W. Beardsley, Chairman

January 14, 1977

To : Members, Animal Species Advisory Commission

From : John W. Beardsley, Chairman

Subject: Meeting Notice -- Animal Species Advisory Commission

DATE : Friday, January 21, 1977

TIME : 1:00 p.m.

PLACE : New State Office Building - Conference Room #322-C,  
1151 Punchbowl Street, 3rd floor, Honolulu

- AGENDA:
1. Approval of Minutes of November 12, 1976 meeting.
  2. Review of proposed Regulation 41, relating to the management of pink coral and gold coral ..... Takata
  3. Information only -- Proposal to transfer Eucheama species of seaweed from Kaneohe Bay to Kahuku Seafood Plantations and the Honolulu Airport Reef Runway Pond ..... Takata
  4. Status report of mongoose sighting on Kauai (requested by Dr. Beardsley) ..... Walker
  5. Discussion of proposed NARS Regulation 13, relating to the protection, control and use of the Wao Kele 'O Puna Natural Area Reserve, Hawaii (requested by Ruth Gay) ..... Montgomery

*John W. Beardsley (ln)*  
JOHN W. BEARDSLEY, Chairman  
Animal Species Advisory Commission

attaches:

- parking permit
- purchase order for air fare (Pacheco, Lau, Jardin)
- Minutes of 11/12/76 meeting
- Proposed Regulation 41, coral
- Proposed Regulation 13, NARS
- Info copy of 11/8/76 ltr from Kauai F&W Adv. Comm. to Judge Hirano re: penalties



MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, November 12, 1976  
DAGS Conference Room, State Office Building  
Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W. (Chmn.)
2. Conant, Sheila
3. Jardin, Caesar J.
4. Lau, Henry T. S.
5. Obata, John K.
6. Pacheco, Earl J.
7. Takata, Michio
8. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Gay, Ruth A.
3. Radovsky, Frank J.

OTHERS PRESENT:

1. Richard Shomura, U. S. National Marine Fisheries Service
2. Ronald L. Walker, Division of Fish and Game
3. David H. Woodside, Division of Fish and Game
4. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Minutes of 10/15/76 meeting.
2. Discussion of U. S. National Marine Fisheries Service's Northern Anchovy Release Program.
3. Discussion of Excavation Project at Proposed Mana Ponds Wildlife Refuge, Kauai.
4. Discussion of DLNR's Proposed Recreation Resource Plan, Island of Kauai.

The meeting was called to order by Chairman Beardsley at 1:15 p. m.

1. Approval of Minutes of 10/15/76 Meeting

The Minutes were approved as submitted.

2. Discussion of U. S. National Marine Fisheries Service's Northern Anchovy Release Program

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Mr. Richard Shomura, Director of the U. S. National Marine Fisheries Service (NMFS), Honolulu Laboratory, was invited to the Commission's meeting to enlighten the members on their Northern Anchovy Release Program.

He said that there should be a re-definition of the program as described in the agenda. The program as planned does not involve any releases in coastal waters, but rather would consist of shipments of live northern anchovy from California to Hawaii for purchase by fishermen. Fishing would occur about 2,500 miles offshore and any surplus of a few fish would be disposed of in the sea. However, if there was a substantial number left, they would be retained in the baitwells and used in the future.

He said that the anchovy program was first initiated in 1973. The species was deliberately released some years ago in the hopes of establishing it in Hawaiian waters but the releases never took hold as far as he knew, and it did not seem likely that the species would establish itself. Presently, NMFS is still working with the mechanics of the operation using the "reel-on and reel-off system." The whole operation hinges on economic factors, he said.

Mr. Lau asked "Would there be any detrimental effect should the anchovy become established in Hawaiian waters? Would it replace nehu?" Mr. Shomura replied "I doubt that the anchovy would ever replace nehu. The probability of establishment is pretty remote."

Dr. Ziegler asked "Can you build up the nehu instead?"

Mr. Shomura replied "We have looked into it and as far as I am concerned, I would not spend money on nehu."

Dr. Ziegler expressed his concern that perhaps there is a need for an Environmental Impact Statement since we are not aware of its environmental impact. He said others have also expressed the same concern to him.

Mr. Shomura felt that the anchovy would help the economy. He wished that concerned people had contacted his office because he was not aware of it.

Mr. Takata pointed out that the NMFS embarked on the anchovy project at the request of the Hawaiian tuna industry. It was thoroughly coordinated with the Aku Baitfish Committee comprised of the fishing industry, University of Hawaii, NMFS and the Division of Fish and Game. The problem of possible establishment of the species was explored by the Committee. However, the Committee members felt that it was worth the risk since under the fishing



conditions employed, the possibility of the species swimming to shore and becoming established in the inshore waters was remote.

Since there were no further questions or discussion, Chairman Beardaley thanked Mr. Shomura for his presence and filling in the members on the anchovy program.

### 3. Discussion of Excavation Project at Proposed Mana Ponds Wildlife Refuge, Kauai

Mr. Tom Telfer, Kauai Wildlife Biologist, by letter of October 12, 1976 to Chairman Beardsley asked for ASAC's advice on the proposed project to enlarge the water area at the Mana Ponds on Kauai (9.5 acres), by excavation, to improve the existing waterbird habitat. The project is designed to benefit the endangered waterbirds there. There are also endangered plants within the excavation area. (Copies of Telfer's ltr. with attached map and information sheet showing the location and scope of the proposed project were also sent to: Kekaha Sugar Co., Dept. of Health, U. S. Fish and Wildlife Service, Pacific Tropical Botanical Gardens, and the U. S. Soil Conservation Service.)

Dr. Conant said that the public would want to know how much disturbance there will be in the existing waters (she cited the Paiko Lagoon and Reef Runway projects).

Mr. Walker responded that as far as birds are concerned there are six species; the major problem is the endangered plants.

Mr. Obata said he did not think there would be any objection from a zoological or botanical standpoint.

A suggestion was made to send a copy of Mr. Telfer's letter to the Hawaii Audubon Society and the U. H. Environmental Center also.

The following motion by Dr. Beardsley, seconded by Dr. Conant, was unanimously carried:

MOTION: That the Animal Species Advisory Commission endorses the principle of the proposed Mana Ponds Wildlife Refuge project and recommends that an environmental assessment be prepared with input from the various agencies.

Mr. Walker said that Mr. Telfer would like to know whether the Commission wants an environmental assessment or an environmental impact statement.

Mr. Takata informed the members that the Division of Fish and Game will prepare an environmental assessment. Then on the basis of the environmental assessment, if a negative declaration is in order, it will be prepared and sent to the Office of Environmental Quality Control.



Dr. Beardsley thought a negative declaration would be sufficient for this type of request.

Dr. Ziegler commented that he would like to commend Mr. Telfer for the good job he is doing in game and non-game management on Kauai.

4. Discussion of DLNR's Proposed Recreation Resource Plan, Island of Kauai

Chairman Beardsley asked for comments from the Commission on the Department of Land and Natural Resources' preliminary Recreation Resource System Plan and Trails and Access System Plan for the Island of Kauai which was sent by Randal Jackson, DLNR Recreation Resource Planner.

Mr. Walker explained that the proposed recreation plan was conceptual in nature and that it is to be updated at least every five years. The plan formulates policies and is intended to be comprehensive. Plans have been prepared and public meetings held on all the islands, but Kauai is the island being considered now in some detail. The Hawaii Water Resources Regional Study, Fish and Wildlife Plan, Conservation District Plan, and the Bureau of Outdoor Recreation's SCORP Plan were incorporated in preparing this plan.

Comments from the members on the plan were as follows:

Mr. Pacheco -- I think the intent of the plan is good; we are going in the right direction.

Dr. Conant -- They are really tackling a tremendous job and trying to get input from various people. Personally, to sit down and really give it a thought would take considerable time before meaningful comment could be made.

Mr. Jardin -- The concerned Kauai people who attended the meeting said that they liked the idea of the plan but wanted to impress upon the DLNR staff that they should take care of the on-going projects first, such as the Russian Fort project.

ACTION: Dr. Beardsley suggested that if the Commission agrees, he would write to Mr. Jackson that the Animal Species Advisory Commission appreciated the opportunity to review the proposed Kauai Recreation Plan, and at its meeting on November 12, 1976 expressed the feeling that the purpose of the plan is a good one and that we would like to see similar drafts for the other islands and the final plans for all the islands when they become available.



Minutes of 11/12/76 meeting -- 5

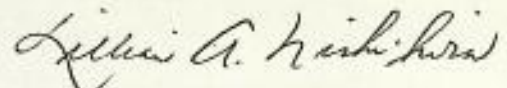
NEXT MEETING:

No meeting scheduled for the month of December. The next meeting scheduled for Friday, January 21, 1977.

ADJOURNMENT OF MEETING:

Meeting adjourned at 2:30 p. m.

Respectfully submitted,



LILLIAN A. NISHIHIRA  
Secretary Pro-tem

GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Animal Species Advisory Commission  
John W. Beardsley, Chairman

February 18, 1977

To : Members, Animal Species Advisory Commission  
From : John W. Beardsley, Chairman  
Subject: Meeting Notice -- Animal Species Advisory Commission

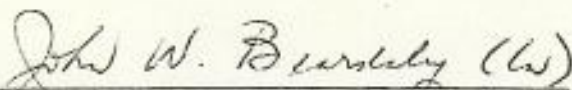
DATE : Friday, February 25, 1977

TIME : 1:00 p. m.

PLACE : New State Office Building - Conference Room #322-C,  
1151 Punchbowl Street, 3rd floor, Honolulu

AGENDA:

1. Approval of Minutes of January 21, 1977 meeting.
2. Review of Critical Habitat Proposal for Palila  
(requested by Sheila Conant) ..... Walker
3. Proposed Honolua Bay Marine Life  
Conservation District ..... Takata

  
JOHN W. BEARDSLEY, Chairman  
Animal Species Advisory Commission

attaches:

parking permit  
purchase order for air fare (Pacheco, Lau, Jardin)  
minutes of 1/21/77 meeting -- to follow  
Federal register, 12/22/76, proposed deter. of critical habitat for the palila  
U.S. Fish & Wildlife Service News Release, 12/27/76, critical habitat  
proposed for palila, a small Hawaiian bird



*Balders*

MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, January 21, 1977  
DAGS Conference Room, State Office Building  
Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W. (Chmn.)
2. Conant, Sheila
3. Gay, Ruth A.
4. Lau, Henry T. S.
5. Obata, John K.
6. Radovsky, Frank J.
7. Takata, Michio
8. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Jardin, Caesar J.
3. Pacheco, Earl J.

OTHERS PRESENT:

1. Steve Montgomery, Natural Area Reserves System Commission
2. Ronald L. Walker, Division of Fish and Game
3. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Minutes of 11/12/76 meeting.
2. Review of proposed Regulation 41, relating to the management of pink coral and gold coral.
3. Proposal to transfer Eucheuma species of seaweed from Kaneohe Bay to Kahuku Seafood Plantation and the Honolulu Airport Reef Runway Pond.
4. Status report of mongoose sightings on Kauai.
5. Discussion of proposed NARS Regulation 13, relating to the protection, control and use of the Wao Kele 'O Puna NAR, Hawaii.

The meeting was called to order by Chairman Beardsley at 1:25 p.m.

1. Approval of Minutes of 11/12/76 meeting

Mr. Takata requested that the following corrections be made to the Minutes:

Page 2, Paragraph 2, Line 5: Change "2,500 miles to "25 to 100 miles."

Page 2, Paragraph 3, Line 5: Change "reel on and reel off system" to "roll on and roll off system."

Page 2, last paragraph, Line 3: Add the words "representatives from" so that the sentence would read, "It was thoroughly coordinated with the Aku Baitfish Committee comprised of representatives from the fishing industry, . . ."

Page 3, item 3, Motion: Dr. Ziegler, not Dr. Beardsley, made this motion.



Page 4, item 4, Action: To clarify Action in this instance, add the following at the end of the sentence: "This proposed action was agreed to by unanimous concensus."

Since the above changes were acceptable to the members and there were no further corrections, the Minutes were approved, as corrected.

2. Review of proposed Regulation 41, relating to the management of pink coral and gold coral

Mr. Takata informed the Commission members that the proposed Regulation 41 relating to the management of pink coral and gold coral will be subjected to a public hearing on February 8, 1977. Since the distribution of this draft regulation, he said the Attorney General's office reviewed the draft and amended Section 10, Penalty. The last line "found guilty of a misdemeanor" was changed to "fined not more than \$500." The reason for this change is that the maximum penalty allowed by our present laws is a fine of not more than \$500. Whereas, the penalty for a misdemeanor as provided in the Penal Code is a fine of not more than \$1,000 or imprisonment of one year, or both.

Mr. Takata then explained that the probable impact of this regulation with respect to jurisdiction would be a confrontation between the State and the Federal Government. The U.S. Department of the Interior has already adopted a regulation prohibiting the taking of corals beyond three miles without a permit from the Bureau of Land Management. Yet this regulation proposes to regulate the taking of pink coral at the Makapuu Bed six miles east of Makapuu Point. By this action we are asserting our jurisdiction over this bed pursuant to the State's claim that the intervening waters between the main islands of the Hawaiian Archipelago are State territorial waters.

Another area of dispute is that the State considers the precious or gem corals as a "living marine resource; whereas, the U.S. Bureau of Mines considers it as a "mineral."

A lengthy discussion ensued with Mr. Takata elaborating on many questions asked by the members.

Dr. Radovsky voiced his hesitancy in making a motion because the implications of this regulation could be quite broad in terms of State versus Federal jurisdiction; not only in territorial waters but also in terms of authority with respect to control in other areas that are involved in management of fish and wildlife.

Motion by Dr. Ziegler, seconded by Dr. Conant, and carried:

MOTION: That the Animal Species Advisory Commission, without expressing support of proposed Regulation 41, recommends that it be subjected to public hearing on February 8, 1977.

Vote in Favor: 7 (Beardsley, Conant, Gay, Lau, Obata, Takata, Ziegler)

Vote Opposed: 0

Abstention: 1 (Radovsky)



3. Proposal to transfer Eucheuma species of seaweed from Kaneohe Bay to Kahuku Seafood Plantation and the Honolulu Airport Reef Runway Pond

Although this item was placed on the agenda for "Information only" Mr. Takata felt the Commission might want to take some action on it because of the seriousness of the matter. The Division of Fish and Game had recommended disapproval of the two applications received by the State Department of Agriculture, one from C. Brewer Corporation and the other from Kahuku Farms, to transplant the Eucheuma species of seaweed from Kaneohe Bay to the Airport Reef Runway Pond at the Honolulu International Airport and to the Kahuku Seafood Plantation at Kahuku, Oahu respectively. Due to the problems encountered by the University of Hawaii in controlling the spread of Eucheuma in Kaneohe Bay, in spite of control measures instituted, the Division of Fish and Game recommended that these requests be deferred until such time that studies in Kaneohe Bay are completed and an Environmental Impact Statement is prepared.

At this point, Mr. Obata moved that Item 3 of today's agenda be changed from "Information only" to an action item. Dr. Conant seconded and the motion was unanimously carried.

Discussion continued. Mr. Takata further apprised the members that the Department of Agriculture referred the applications to the Subcommittee on Plants and also to the Subcommittee on Invertebrates and Aquatic Biota (of which he is a member) and received comments, some for approval and some for disapproval. Now, the Department of Agriculture has referred this matter to its Advisory Committee on Plants and Animals (of which DLNR Chairman Christopher Cobb is a member).

Insofar as the probability of escape of the Eucheuma from the Kahuku site is concerned, it is slim he said. They have a closed system and do not dump their effluent into the ocean. The Airport Reef Runway Pond is connected to the ocean by huge culverts. Therein lies the danger of the alga spreading.

Ms. Gay and Mr. Obata both of whom are members of the Advisory Subcommittee on Plants and therefore familiar with the subject applications also expressed their concern and recommended disapproval of the applications. Their reasons were based on the wild growth of Eucheuma striatum tambalang variety since its introduction from the Philippines to Kaneohe Bay two years ago and the severe physical problem already experienced in controlling this exotic within the Bay. Thus, there is a need for baseline data and an environmental assessment to evaluate the ecological consequences of the Eucheuma before it is transferred to other sites in the State of Hawaii.

Motion by Dr. Conant, seconded by Dr. Radovsky and unanimously carried:

**MOTION:** That the Animal Species Advisory Commission strongly recommends that no applications for the movement of the seaweed Eucheuma striatum tambalang variety within the State of Hawaii be approved until after a full multi-disciplinary environmental assessment of the possible adverse effects which the spread of this organism may have upon aquatic ecosystems has been conducted. Furthermore, it is recommended that all applications for movement of this organism should be carefully evaluated in the light of the findings of this environmental assessment.



#### 4. Status report of mongoose sightings on Kauai

At the request of Chairman Beardsley, Mr. Walker gave an updated report of mongoose sightings on Kauai. These sightings were plotted on a map as reported since July 2, 1968. The latest rash of sightings started in November 1975 in Kokee, with about a dozen reported sightings since then. The only confirmed sighting, however, occurred on December 3, 1976 where a carcass was recovered near the Wahiawa bridge in South Kauai apparently killed by a car. Traps were set out but so far has been unproductive as no mongoose has been caught.

Chairman Beardsley felt it would be well to determine if there is a large population or a limited one and tackle the problem accordingly. If it is determined that there is a population, saturation trapping was suggested by Dr. Ziegler to get rid of the mongoose. Mr. Takata replied that from a public relations standpoint, it might be well for the Division to act. However, for the purpose of eradication, he didn't think saturation trapping would work. Saturation trapping will possibly indicate to what extent the mongoose is established. There is manpower for this, he said. CETA (a federally funded work program) is asking for innovative programs and projects and this might be an innovative undertaking and might have public appeal.

A lengthy discussion ensued since the mongoose could be a carrier of disease and would be a threat to a number of Kauai's endangered species of birds through predation of their eggs and chicks.

#### 5. Discussion of proposed NARS regulation 13, relating to the protection, control and use of the Wao Kele 'O Puna NAR, Hawaii

Ms. Gay said that she asked that this item be included on the agenda primarily because of her concern that the proposed Regulation 13, specifically Section 3, Restrictions and Control, might be too restrictive within this proposed natural area reserve. If the section is to be interpreted literally, there would be no trails, she said, within the proposed Wao Kele 'O Puna Natural Area Reserve on the Island of Hawaii. She wondered if the hunters would have any objections.

Mr. Steve Montgomery of the NARS staff reported that as far as he knew the hunters did not react unfavorably at the public hearing held in Hilo on January 11, 1977.

Ms. Gay felt the Commission might want to discuss and respond to this proposed Regulation 13 prior to it being submitted to the Board of Land and Natural Resources for approval.

The regulation was discussed at length in the areas of restrictions and control, access in terms of trails, camping, and the issuance of permits. There was a suggestion made to broaden, instead of limiting, exceptions to the restrictions for research or educational purposes by including management activities and other necessary governmental activities.



Legislative Proposals--Information Only

For the information of the Commission, Mr. Takata distributed copies of four proposed administration bills which were submitted to the 1977 legislature.

- (1) Relating to the conservation, management and protection of endangered species of wildlife or plants.
- (2) Relating to fish and game penalties.
- (3) Relating to seizure and forfeiture of fishing and hunting gear.
- (4) Relating to freshwater game fishing licenses and commercial fishing licenses (This bill was withdrawn since the Division received word from the Attorney General's office that it would be unconstitutional to charge non-residents higher license rates than to residents.)

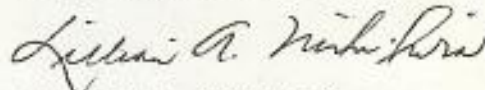
NEXT MEETING:

Next meeting scheduled for Friday, February 25, 1977.

ADJOURNMENT OF MEETING:

Meeting adjourned at 4:45 p.m.

Respectfully submitted,



LILLIAN A. NISHIHIRA  
Secretary Pro-tem

GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Animal Species Advisory Commission  
John W. Beardsley, Chairman

April 7, 1977

To : Members, Animal Species Advisory Commission  
From : John W. Beardsley, Chairman  
Subject: Meeting/Agenda Notice -- Animal Species Advisory Commission

DATE : Friday, April 15, 1977

TIME : 1:00 p. m.

PLACE : New State Office Building - Conference Room #322-A,  
1151 Punchbowl Street, 3rd floor, Honolulu

- AGENDA:
1. Approval of Minutes of 1/21/77 and 2/25/77 meetings.
  2. Report of proposed Honolulu Bay and Molokini Shoal marine life cons. dist. public meetings, Maui ... Lau
  3. Discussion on proposed Kanaha Pond wildlife refuge, Maui ..... Walker
  4. Review of final draft of proposed Regulation 41, relating to the management of pink coral and gold coral ..... Takata
  5. Discussion on proposed and potential recreation areas for Island of Hawaii ..... Beardsley

*John W. Beardsley (w)*  
JOHN W. BEARDSLEY, Chairman  
Animal Species Advisory Commission

attaches:

- parking permit
- purchase order for air fare (Pacheco, Lau, Jardin)
- Minutes of 2/25/77 meeting
- Info copy of 4/7/77 letter from Beardsley to Lynn Greenwalt re: critical habitat proposal for Palila
- DLNR prel. recommendations of recreation resource system plan, Island of Hawaii, 3/16/77



MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, February 25, 1977  
DAGS Conference Room , State Office Building  
Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W. (Chmn.)
2. Conant, Sheila
3. Gay, Ruth A.
4. Jardin, Caesar J.
5. Lau, Henry T. S.
6. Obata, John K.
7. Takata, Michio
8. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Pacheco, Earl J.
3. Radovsky, Frank J.

OTHERS PRESENT:

1. Steve Montgomery, Natural Area Reserves System Commission
2. Ronald L. Walker, Division of Fish and Game
3. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Minutes of 1/21/77 meeting -- Deferred.
2. Review of Critical Habitat Proposal for Palila.
3. Proposed Honolulu Bay Marine Life Conservation District, Maui.
4. Proposed Legislation to Import Eels. (Added Item)

The meeting was called to order by Chairman Beardsley at 1:20 p. m.

1. Minutes of 1/21/77 meeting

It was moved, seconded and unanimously carried to defer approval of the Minutes of the January 21, 1977 meeting until the Commission members are able to review the Minutes which were distributed at today's meeting.

2. Review of Critical Habitat Proposal for Palila

Dr. Conant who asked that this item be placed on today's agenda felt it was an opportune time for the Commission to comment on the Interior Department's proposal to designate the Mamane-Naio forest on Mauna Kea as a critical habitat for the Palila, particularly since some action had been taken on the Mauna Kea Master Plan by the Department of Land and Natural Resources. Deadline for comments on the critical habitat proposal which was published in the Federal Register on December 22, 1976 is April 18, 1977.

Chairman Beardsley asked exactly what action had been taken thus far on the Mauna Kea Master Plan.

Mr. Takata replied that the Board of Land and Natural Resources adopted the recommendation of the County of Hawaii and the Citizen Advisory Group with respect to the management of the Mamane-Naio forest, i. e., to fence off 25% of the mountain and manage the remainder as it is being managed now, provided that this action (maintain feral sheep and goat) would not be in violation of any federal act.

During the ensuing discussion, an inconsistency or a possible oversight in the Federal Register was brought to light. In the first part of the Register, under "Background" it mentions "The area delineated below consists primarily of Mamane-Naio forest and extends from about 7,000 to 10,000 feet elevation...." While in the text, page 55731, the upper elevation limits is missing in the description.

Chairman Beardsley asked if the Board of Land and Natural Resources approved that part of the Plan relating to the Mauna Kea Science Reserve and received an affirmative reply.

Mr. Obata said he would go along with the 10,000 feet elevation but would favor a certain amount of buffer, perhaps to the upper limits of 11,000 feet.

Dr. Ziegler said he would be a little leery with 10,000 feet and thought 11,000 feet would be a good compromise.

Dr. Conant suggested that a letter be written stating that the concensus of the Commission is that the proposal is more than adequate and that our comments would be primarily in favor of the proposed critical habitat but with the suggestion that it need not extend all the way to the summit and then make a suggestion of 11,000 feet.



Mr. Takata said he recalls the Palila Recovery Team's recommendation was 10,000 feet.

Ms. Gay said the Commission should write merely to say that there should be an exclusion of the summit area that is not critical habitat. She said she did not feel she could defend the 11,000 feet recommendation.

Mr. Lau said he would like to go along with the Recovery Team's recommendation of 10,000 feet.

Motion by Dr. Conant, seconded by Mr. Obata and unanimously carried:

MOTION: That the Animal Species Advisory Commission send a letter to the Director of the U. S. Department of the Interior, Fish and Wildlife Service, supporting the critical habitat proposal for the Palila as published in Volume 41, No. 247 of the Federal Register, except for the upper elevation limits and the technical description which appear to be missing on page 55731.

Dr. Conant said she would draft a letter for Chairman Beardsley's signature and circulate the draft to Commission members to give them an opportunity to make changes before it is sent out.

### 3. Proposed Honolua Bay Marine Life Conservation District, Maui

Mr. Takata said he did not think any action was needed on this proposal but included it on the agenda for information purposes only.

About two years ago, Mr. Takata said that Maui Land and Pineapple Company, owner of the land surrounding Honolua Bay, had a study made to determine whether or not that Bay was deserving of inclusion in the marine life conservation district category. A study was done by two graduate students of the University of California at Santa Cruz and they recommended that this area be set aside. Subsequent to that, the U. H. Marine Options Program made a study of the area and so did Belt, Collins and Associates, and their recommendations were the same. The Division of Fish and Game made an assessment survey of the site and found that there was a feature in the Bay that detracted from the area as a viable candidate for inclusion in the conservation district system. That was the siltation problem in the inner bay. The Division at that time felt that this area with its present defect was really not deserving of a marine life sanctuary designation. However, Mr. Takata said there is some indication now that a significant number of people on Maui wants this area set aside as a sanctuary. Recently, he said he had a meeting with Mr. Colin Cameron, President of Maui Land and Pineapple Co.,



who was asked to look into the siltation problem and see what could be done. According to Mr. Cameron, his company will be providing public access and will dedicate some land adjacent to the inner bay for the development of a modest park.

Meanwhile, the Maui Fish and Wildlife Advisory Committee will be holding a public meeting to obtain input from the Maui people. Mr. Lau will be chairing this meeting which is tentatively scheduled for March 23 at 7:00 p. m. at the Lahaina Civic Center.

4. Proposed Legislation to Import Eels (Added Item)

This item was added to the agenda by unanimous vote of the members present.

Dr. Conant informed the Commission members that there were two bills concerning eels which were scheduled for a hearing on March 2 by the House Committee on Water, Land Use, Development and Hawaiian Homes. Specifically, they were House Bill No. 1082 which would appropriate \$120,000 to the Board of Land and Natural Resources for the eel project and House Bill No. 1083 which would amend the prohibition against the importation of eels and allow the State to bring in up to 50,000 eels and raise them under controlled conditions at the Anuenue Fisheries Research Center.

The Commission was concerned about the possible escape of the eels from the pens and establishment in Island streams and reservoirs where they would clean out the native fauna. They also felt that while it is true that Hawaii needs an aquaculture industry, there are too many unanswered questions about eels to establish an eel industry. Right now they felt our native species should be utilized instead.

Mr. Takata advised the members that the eel bills were not proposed by the Department of Land and Natural Resources. He explained that even if House Bill 1083 is passed, it does not mean that anyone can bring in eels. A permit from the Department of Agriculture would still be required. Should the Department of Land and Natural Resources bring them in, we would have to satisfy the conditions specified in Act 195, SLH 1970 and obtain a permit from the Department of Agriculture.

Chairman Beardsley didn't think ASAC could do anything until the bill passes, but appreciated being informed.



Minutes of 2/25/77 meeting -- 5

NEXT MEETING:

Next meeting scheduled for Friday, April 15, 1977.

ADJOURNMENT OF MEETING:

Meeting adjourned at 3:35 p. m.

Respectfully submitted,



LILLIAN A. NISHIHIRA  
Secretary Pro-tem



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

July 15, 1977

Animal Species Advisory Commission  
Sheila Conant, Chairperson  
Frank J. Radovsky, Vice-Chairman

To : Members, Animal Species Advisory Commission  
From : Frank J. Radovsky, Vice-Chairman  
Subject: Meeting/Agenda Notice -- Animal Species Advisory Commission

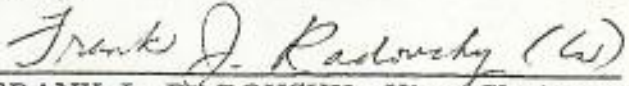
DATE : Friday, July 22, 1977

TIME : 1:00 p. m.

PLACE : New State Office Building - Conference Room #322-C,  
1151 Punchbowl Street, 3rd floor, Honolulu

AGENDA:

1. Approval of Minutes of June 17, 1977 meeting.
2. Review and comment on Regulation 3, draft #2 (7/14/77), game bird hunting.
3. Notice of public hearing: Regulation 24, game mammal hunting, Maui; and Kanaha Pond Wildlife Sanctuary, Maui -- Information only.
4. Proposed review of Commission activities and actions, ballots and functional role since its inception (requested by Radovsky).

  
FRANK J. RADOVSKY, Vice-Chairman  
Animal Species Advisory Commission

attaches:

parking permit  
purchase order for air fare (Pacheco, Lau, Jardin)  
minutes of 6/17/77 meeting (to follow)  
regulation 3, draft #2 (7/14/77)  
info copy -- 7/1/77 memo from Dep. A. G. to Cobb re: Qualification of Dr. Gay,  
ASAC



MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, June 17, 1977  
Kalanimoku Building -- Conference Room 322-C  
1151 Punchbowl Street  
Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W. (Chmn.)
2. Babineau, Dorothy F.
3. Jardin, Caesar J.
4. Lau, Henry T. S.
5. Radovsky, Frank J.
6. Takata, Michio
7. Ziegler, Alan C.

MEMBERS ABSENT:

1. Conant, Sheila
2. Fujimura, Takuji
3. Pacheco, Earl J.

OTHERS PRESENT:

1. Ronald L. Walker, Division of Fish and Game
2. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Introduction of New Member (Mrs. Dorothy F. Babineau)
2. Approval of Minutes of Meeting of 4/15/77.
- 2a. Added Item -- Status of Ruth Gay on Animal Species Advisory Commission.
3. Election of New Chairman.
4. Draft Regulation 41 (5/27/77), Pink Coral and Gold Coral.
5. Regulation 42, Molokini Shoal Marine Life Conservation District, Maui--  
Information.
6. Proposed Regulation \_\_\_\_\_ (4/1/77), Kanaha Pond Wildlife Sanctuary, Maui.
7. Preliminary draft Regulation 3 (game bird hunting), request for public  
hearing.
8. Status report on Mongoose situation on Kauai.

The meeting was called to order by Chairman Beardsley at 2:00 p.m.

1. Introduction of New Member

Chairman Beardsley introduced Mrs. Dorothy F. Babineau, newly elected Chairperson of the Oahu Fish and Wildlife Advisory Committee, replacing Mr. John K. Obata who was the Oahu representative on the Animal Species Commission until his resignation in April 1977.

2. Approval of Minutes of 4/15/77 Meeting

The Minutes of the meeting of April 15, 1977 were approved, as corrected, after Dr. Radovsky pointed out typographical errors (Radovsky and consensus) on pages 3 and 5.



2a. Added Item -- Status of Ruth Gay on Animal Species Advisory Commission

This item was added to the agenda by unanimous vote of the members present.

Although Dr. Gay was not present at this meeting, it was the consensus of the members that this item should be on the agenda for the record and to clarify Dr. Gay's status as a member of the Commission.

Chairman Beardsley read a copy of a letter received by Dr. Ruth Gay from the Governor dated April 14, 1977 informing her that the Senate had failed to advise and consent her nomination to the Animal Species Advisory Commission and thanking her for her services.

A number of members felt that the letter did not expressly state that Dr. Gay was no longer a member of the Commission and were under the impression that perhaps she could continue to serve until she is replaced by a qualified appointee.

During the course of the discussion, Mr. Takata placed a phone call to the Attorney General's office for a verbal interpretation of the subject letter. If the phone call fails to materialize, Mr. Takata said he will initiate correspondence requesting an opinion from the Attorney General's office.

3. Election of New Chairman

Nominations from the floor: Mrs. Babineau nominated Dr. Radovsky as Chairman. Dr. Radovsky declined the nomination for Chairmanship due to pressure of business and nominated Dr. Conant. Mr. Takata moved that the nominations be closed; Dr. Radovsky seconded.

Dr. Conant elected Chairperson of the Animal Species Advisory Commission by acclamation. Dr. Radovsky agreed to serve as Vice-Chairman. Since Dr. Conant was absent at today's meeting, Dr. Beardsley will notify Dr. Conant that she is the newly elected Chairperson of the Animal Species Advisory Commission.

4. Draft Regulation 41 (5/27/77), Pink Coral and Gold Coral

Mr. Takata informed the members that draft Regulation 41 of 5/27/77 (included in today's agenda) is not the same draft that was presented and discussed at the April Commission meeting. He said that the Board of Land and Natural Resources at its meeting of May 27, 1977 acted on the draft regulation and made some changes. The most significant change was that pink coral and gold coral may be harvested from the Makapuu Bed only. The earlier draft permitted harvesting in other areas to provide industry an incentive to explore other precious coral beds but the Board decided to take a conservative stand, except at the Makapuu Bed where a quota has been established. Regulation 41 applies to State waters only, he said. The Western Pacific Regional Fishery Management Council is now preparing a management plan for precious coral in waters outside of State jurisdiction. Next week, the Division of Fish and Game will be drafting a final regulation incorporating the changes requested by the Board.

Dr. Radovsky expressed concern over Section 5, Management of the Makapuu Bed, specifically where it states "...and provided further that harvesters should make every effort to collect only mature colonies 10 inches or larger in height." He felt that this should be made stronger. Mr. Takata replied that originally the



Division proposed a size limit of 12 inches. However, industry indicated that this provision was impractical in that these corals have very fragile tips and are highly susceptible to breakage, thus making the size limit unenforceable. Nevertheless, we wanted to at least state our intent not to have industry take the little corals. With the quota, there is no fear of the coral resources at Makapuu Bed being depleted, and this is in accordance with Dr. Richard Grigg's advice.

Motion by Dr. Ziegler, seconded by Mrs. Babineau and unanimously carried.

MOTION: That the Animal Species Advisory Commission approve draft Regulation 41 relating to the management of pink coral and gold coral.

5. Regulation 42, Molokini Shoal Marine Life Conservation District, Maui -- Information

For the information of the Commission members, Mr. Takata reported that Regulation 42 concerning the establishment, protection and conservation of the Molokini Shoal Marine Life Conservation District, County of Maui, was adopted by the Board of Land and Natural Resources at its meeting of May 27, 1977. The regulation is now being processed for signatures and subsequent filing of the regulation with the Lt. Governor's office.

6. Proposed Regulation <sup>44</sup> (3/1/77), Kanaha Pond Wildlife Refuge, Maui

Mr. Walker reported that copies of the draft regulation to establish the Kanaha Pond Wildlife Sanctuary on Maui were provided earlier to Commission members and others, and he had since received responses from the U.S. Fish and Wildlife Service, Kanaha Advisory Committee, FAA, Department of Transportation and several divisions of the Department of Land and Natural Resources. Most of the comments, he said, implied agreement in principle of the draft regulation. He then asked for input from the Commission members.

Dr. Radovsky was puzzled at the inconsistency in the penalty section. The coral regulation mentions a fine of not more than \$500, while the Kanaha Pond regulation imposes imprisonment of not more than six months or a fine of not more than \$500 or both. He asked what the rationale was in establishing these penalties, and, if anything, greater stringency should be placed on the coral regulation rather than on the Kanaha regulation.

Mr. Takata replied that the \$500 fine imposed in the coral regulation is specifically provided for under the General Penalty for Fish and Game Chapters, Hawaii Revised Statutes. This is the maximum penalty. He said that he did not think the Board of Land and Natural Resources had the authority to establish the type of penalty proposed for the Kanaha refuge regulation.

Mr. Walker said that he would look into the matter and incorporate the maximum penalty allowable in the penalty section.



Motion by Dr. Radovsky, seconded by Mrs. Babineau, and unanimously carried:

MOTION: That the Animal Species Advisory Commission recommends that the draft regulation concerning the establishment, protection and regulation of the Kanaha Pond Wildlife Sanctuary, Maui, be subjected to public hearing.

7. Preliminary Draft Regulation 3, request for public hearing

Mr. Walker handed out copies of draft #1 (6/16/77) of Regulation 3, together with a schedule of public hearings, to Commission members. He said that Regulation 3 which concerns the regulation of game bird hunting, field trials and commercial shooting preserves within the State of Hawaii has not been amended since 1963 and is outdated from a biological and legal standpoint.

The amendments being proposed include:

1. Opening a hunting season on the Nepal Kalij pheasant on Hawaii to provide additional hunting opportunities.
2. Closing the hunting season on chukar and California quail on Oahu due to low populations.
3. Opening a hunting season on Erckel's francolin on Lanai to provide additional hunting opportunities and reducing the bag limit on other islands due to low densities.
4. Lengthening the hunting season on wild turkeys to make it more liberal.
5. Deleting public hunting areas that are no longer under the authority of the Board (Molokai Ranch) and adding a new public hunting area on Hawaii (Puuwaawaa).
6. Adding a requirement on wearing colored garment for safety purposes and a prohibition against damaging antiquities.

Dr. Ziegler suggested that reference be made somewhere in the regulation that a list of game birds appears in the Hawaii Revised Statutes.

Another suggestion was that Jungle Fowl, Guinea Fowl and the wild peacock be included in the list of game birds unlawful to hunt on page 1, section 2.

Motion by Dr. Radovsky, seconded by Mr. Lau, and unanimously carried:

MOTION: That the Animal Species Advisory Commission recommends that preliminary Draft Regulation 3 be subjected to public hearings.

8. Status Report on Mongoose Situation on Kauai

This item was again placed on the agenda at the Chairman's request.



Mr. Walker reported that subsequent to the last discussion of this subject with the Commission, the Division put out tracking boards in many areas where the mongoose was reportedly seen but got very few results (100 tracking boards in Wahiawa, Port Allen and Lihue). Two possible sightings might have been mongooses but were not verified. District Wildlife Biologist Tom Telfer thinks there are mongooses but does not know where they are or in what numbers. Mr. Walker further stated that until we get more manpower, the Division of Fish and Game will suspend its efforts in this area.

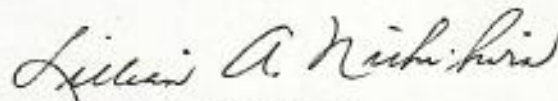
NEXT MEETING:

Next meeting scheduled for Friday, July 22, 1977.

ADJOURNMENT OF MEETING:

Meeting adjourned at 3:30 p.m.

Respectfully submitted,



LILIAN A. NISHIHIRA  
Secretary Pro-tem



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

July 28, 1977

Animal Species Advisory Commission  
Sheila Conant, Chairperson  
Frank J. Radovsky, Vice-Chairman

MEETING NOTICE/AGENDA -- ANIMAL SPECIES ADVISORY COMMISSION

DATE : Friday, August 5, 1977

TIME : 1:00 p. m.

PLACE : New State Office Building (Kalanimoku) -- Conference Room #322-A,  
1151 Punchbowl Street, 3rd floor, Honolulu, Hawaii

AGENDA: (Same agenda as July 22, 1977 meeting which was cancelled due to  
lack of quorum.)

1. Approval of Minutes of June 17, 1977 meeting.
2. Review and comment on Regulation 3, draft #2 (7/14/77),  
concerning game bird hunting.
3. Notice of public hearing: Regulation 24, game mammal hunting,  
Maui; and Kanaha Pond Wildlife Sanctuary, Maui -- Info. only.
4. Proposed review of Commission activities and actions, ballots,  
and functional role since its inception (requested by Radovsky).

*Frank J. Radovsky (ls)*  
FRANK J. RADOVSKY, Vice-Chairman  
Animal Species Advisory Commission

attachments:

parking permit  
purchase order for air fare (Pacheco, Lau, Jardin)  
minutes of 6/17/77 meeting  
regulation 3, draft #2 (7/14/77)  
draft regulation 24 (7/21/77)  
Kanaha pond regulation, draft #2 (7/21/77)  
Schedule of public hearing  
membership list, ASAC and county advisory committees





STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

September 9, 1977

Animal Species Advisory Commission  
Sheila Conant, Chairperson  
Frank J. Radovsky, Vice-Chairman

MEETING NOTICE/AGENDA -- ANIMAL SPECIES ADVISORY COMMISSION

DATE : Friday, September 16, 1977

TIME : 1:00 p. m.

PLACE : New State Office Building (Kalanimoku) -- Conference Room #322-C,  
1151 Punchbowl Street, 3rd floor, Honolulu, Hawaii

AGENDA:

1. Introduction of Mr. Alvin M. Inoue (new Chairman of the Hawaii County Fish and Wildlife Advisory Committee)
2. Approval of Minutes of June 17, 1977 meeting.
3. Discussion on changing ASAC meeting date.
4. Review and comment on Regulation 3 (final draft 9/9/77) concerning game bird hunting ..... Walker
5. Review and comment on final draft of Regulation 1 (2/9/76) prohibiting the hunting of wildlife on public lands and other lands under the control of the BLNR, and Regulation 7 (8/15/77) concerning the establishment, protection and regulation of the HAWAII State Seabird Sanctuary ..... Walker
6. Info only -- Notice of public hearing: Regulation 24, game mammal hunting, Maui; and Kanaha Pond Wildlife Sanctuary, Maui ..... Walker

7. Discussion of the implications of critical habitat for Palila designation on the Department's sheep management on Mauna Kea (requested by Ziegler).
8. Proposed review of Commission's activities and actions, ballots, and functional role since its inception (requested by Radovsky).

*Sheila Conant (W)*

SHEILA CONANT, Chairperson  
Animal Species Advisory Commission

attachments:

parking permit  
purchase order for air fare (Inoue, Jardin)  
minutes of 6/17/77 meeting  
regulation 3 (final draft 9/9/77)  
regulation 1 (2/9/76)  
regulation 7 ( 8/15/77)  
regulation 24 (7/21/77)  
kanaha pond regulation \_\_\_\_, draft #2 (7/21/77)  
membership list, ASAC and County advisory committees





STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

October 7, 1977

Animal Species Advisory Commission

Sheila Conant, Chairman

Frank J. Radovsky, Vice-Chairman

MEETING NOTICE/AGENDA -- ANIMAL SPECIES ADVISORY COMMISSION

DATE : Friday, October 14, 1977

TIME : 1:00 p. m.

PLACE : New State Office Building (Kalanimoku) -- Conference Room #322-C,  
1151 Punchbowl Street, 3rd floor, Honolulu, Hawaii

- AGENDA: 1. Approval of Minutes of 9/16/77 meeting.
2. Review and comment on proposed revision to DLNR Regulation No. 4.
3. Consideration of draft Regulation 24 (7/21/77), game mammal hunting, Maui; and draft Regulation \_\_\_ (7/21/77), Kanaha Pond Wildlife Sanctuary, Maui.
4. Review and discussion of Draft Hawaiian Waterbirds Recovery Plan, 1977.
5. Status report on Proposed Honolua Bay Marine Life Conservation District regulation, Maui -- Information only. (H. Lau)

*Sheila Conant (w)*

SHEILA CONANT, Chairman  
Animal Species Advisory Commission

attachs:

- parking permit  
purchase order for air fare (Inoue, Lau, Jardin)  
minutes of 9/16/77 meeting (to follow)  
DLNR Regulation 4  
regulation 24/Kanaha regulation \_\_\_  
correspondence re: federal aid funds for population reduction, feral sheep and goats, Mauna Kea  
Waterbirds recovery plan (Inoue, Lau, Jardin, Babineau)

GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Animal Species Advisory Commission  
Sheila Conant, Chairman  
Frank J. Radovsky, Vice-Chairman

November 28, 1977

MEETING NOTICE/AGENDA -- ANIMAL SPECIES ADVISORY COMMISSION

DATE : Friday, December 2, 1977

TIME : 1:00 p. m.

PLACE : New State Office building (Kalanimoku), Conference Room #322-A  
1151 Punchbowl Street, Honolulu

AGENDA:

1. Approval of Minutes of Meetings of September 16, 1977  
and October 14, 1977.
2. Review of Environmental Impact Statement for Kekaha  
Game Management Area Noxious Shrub Control  
Project, Kauai ..... Walker
3. Discussion -- Possibility of State Qualifying for Entering  
into Federal Endangered Species Cooperative Agreement,  
other than by Amendment of Hawaii Endangered Species  
Act ..... Ziegler

*Sheila Conant (lw)*  
\_\_\_\_\_  
SHEILA CONANT, Chairman  
Animal Species Advisory Commission

attachs:

- parking permits
- purchase order for air fare (Inoue, Lau, Jardin)
- Kekaha E. I. S.
- minutes of 9/16/77 (10/14/77 minutes to follow)



MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, September 16, 1977  
Kalanimoku Building -- Conference Room 322-C  
1151 Punchbowl Street  
Honolulu, Hawaii

MEMBERS PRESENT:

1. Conant, Sheila (Chmn.)
2. Babineau, Dorothy F.
3. Beardsley, John W.
4. Inoue, Alvin M.
5. Radovsky, Frank J.
6. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Jardin, Caesar J.
3. Lau, Henry T. S.
4. Takata, Michio

OTHERS PRESENT:

1. Ronald L. Walker, Division of Fish and Game
2. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Introduction of Mr. Alvin M. Inoue (new Hawaii County Fish and Wildlife Advisory Committee Chairman).
2. Approval of Minutes of June 17, 1977 Meeting.
3. Discussion on Changing ASAC Meeting Date.
4. Review and Comment on Regulation 3 (final draft 9/9/77), Concerning Game Bird Hunting.
5. Review and Comment on Final Draft of Regulation 1 (2/9/76) Prohibiting the Hunting of Wildlife on Public Lands and Other Lands under the Control of the BLNR, and Regulation 7 (8/15/77) Concerning the Establishment, Protection and Regulation of the Hawaii State Seabird Sanctuary.
6. Information Only -- Notice of Public Hearing: Regulation 24, Game Mammal Hunting, Maui; and Kanaha Pond Wildlife Sanctuary, Maui.
7. Discussion on the Implications of Designation of Critical Habitat for Palila on the Department's Sheep Management Program on Mauna Kea.
8. Proposed Review of Commission's Activities and Actions, Ballots, and Functional Role Since its Inception.
9. Added Item -- DLNR Regulation No. 4.



The meeting was called to order by Chairman Conant at 1:15 p.m.

1. Introduction of New Member, Mr. Alvin M. Inoue

Chairman Conant introduced and welcomed to the Commission Mr. Alvin M. Inoue, newly elected Chairman of the Hawaii County Fish and Wildlife Advisory Committee, replacing Mr. Earl Pacheco.

2. Approval of Minutes of June 17, 1977 Meeting

The Minutes of the meeting of June 17, 1977 were approved, as submitted.

3. Discussion on Changing ASAC Meeting Date

After a short discussion, it was the consensus of the majority of the Commission members present not to change the ASAC meeting day but to retain it on the usual Friday. Mrs. Babineau who had suggested the change felt another day might be more feasible for herself and perhaps others since she noted that the Commission has had to cancel several meetings recently due to a lack of quorum. It was brought out during the discussion that the Friday meeting day would be more favorable for the neighbor island Commission members and for others who had already arranged their work schedule to make themselves available on Fridays.

4. Review and Comment on Regulation 3 (final draft 9/9/77)

Mr. Walker advised the Commission members that the final draft of Regulation 3 concerning game bird hunting within the State of Hawaii would be considered by the Board of Land and Natural Resources at its meeting of September 23, 1977.

He said one of the original major proposals was to require that game bird hunters wear bright orange clothing as a safety measure but this requirement was deleted from the final draft regulation. While hunters on Maui and Hawaii testified in favor of this provision, testimony on Lanai, Kauai and Oahu indicated opposition.

He indicated that there were no objections to other major proposed amendments, including opening Kalij pheasant hunting on Hawaii, closing hunting on Chukar partridge and California quail on Oahu, and reducing the bag limit on Erckel's francolin on Hawaii, Oahu and Kauai.

Mr. Inoue expressed some concern about litter in the public hunting areas. He asked if more receptacles couldn't be placed in the hunting areas. Mr. Walker replied that the Division has had some unfortunate experiences in the past in people taking the barrels which were placed at the checking station. Perhaps, he said, public education would be the answer.

Mr. Inoue said that the Hawaii sportsmen's club is looking into the area of providing large plastic bags during a hunt. Comments were made by Commission members that some private agencies might be interested in contributing these bags as a promotion venture.



Motion by Dr. Beardsley, seconded by Mr. Inoue, and unanimously carried.

MOTION: That the Animal Species Advisory Commission recommend the adoption of the final draft of Regulation 3.

5. Review and Comment on Regulation 1 (2/9/76) and Regulation 7 (8/15/77)

Mr. Walker informed the Commission members that final drafts of Regulations 1 and 7 will be submitted to the Board of Land and Natural Resources in October for adoption. He stated that the Division of Fish and Game was advised by the State Attorney General's office that it would be in order to have the Board consider these regulations now in spite of the long lapse of time since public hearings were held on these regulations.

Regulation 1: Mr. Walker pointed out that Regulation 1, Prohibiting the Hunting of Wildlife on Public Lands and Other Lands under the Control of the Board of Land and Natural Resources, is being revised to make it enforceable. The changes are merely technical in nature and the effect of the regulation would be unchanged.

Regulation 7: Mr. Walker called to the attention of the members that certain provisions of Regulation 7, Concerning the Establishment, Protection and Regulation of the Hawaii State Seabird Sanctuary, received opposition only on Oahu. There was overwhelming opposition by Kahaluu residents to the inclusion of Ahu O Laka and Kapapa Islands in Kaneohe Bay due to their high value for recreation. Subsequent to the testimonies received at the hearings and public meetings held with Windward residents, these two islands were deleted from the final draft of Regulation 7. Also, because of concern expressed at the Kauai hearing, the language in the final draft regulation in Section 3 (Use Restrictions and Prohibited Acts, item A.8) was changed to make prohibition against trespass into any posted "No trespassing areas" apply only to colonies of nesting sea birds.

It was moved (Dr. Radovsky) and seconded (Mrs. Babineau) that the Board of Land and Natural Resources approve Regulations 1 and 7 with the recommendation that Kapapa Island be included to the list of islands under control of Regulation 7.

Lacking a majority of at least six (6) votes, the motion was defeated.

Vote in Favor: 4 (Babineau, Beardsley, Conant, Radovsky)  
Vote Opposed: 2 (Inoue, Ziegler)  
Abstention: 0

It was moved (Dr. Beardsley) and seconded (Mrs. Babineau) that Regulation 1, draft #1 and the final draft of Regulation 7 be submitted as is, to the Board of Land and Natural Resources for approval. Again, lacking a majority of six votes, the motion was defeated.

Dr. Radovsky then moved that the Chairman of ASAC write a letter to the Chairman of the Board of Land and Natural Resources advising the Board that while the ASAC was sympathetic with the needs of recreationists, it was not able to reach a consensus on Regulation 7 based on consideration of public feeling and of the desirability of protecting the nesting colonies. However, from a biological standpoint it was in favor of Regulation 7.



At this point, Mr. Inoue suggested that perhaps Kapapa could be made a special island and be included in the regulation but still have it continue as a recreational area.

Mr. Walker said that if this suggestion was to be taken into consideration, two major restrictions, "Camping" (Section 3A, item 7) and "Building fires" (item 10) would have to be excluded for Kapapa Island.

Dr. Radovsky withdrew his motion and Mrs. Babineau made the following motion which was seconded by Dr. Beardsley and unanimously carried:

MOTION: That the Animal Species Advisory Commission recommends approval of Regulations 1 and 7, provided that Kapapa Island be placed in a special category and all of the restrictions and prohibited acts in Regulation 7 be included, with the exception of Section 3A, items 7 and 10.

6. Notice of Public Hearing: Regulation 24, Game Mammal Hunting, Maui; and Kanaha Pond Wildlife Sanctuary, Maui -- Information only

Mr. Walker informed the Commission members that a public hearing was held on September 15, 1977 to consider Regulation 24, Game mammal hunting on Maui and also a proposed regulation to establish the Kanaha Pond Wildlife Sanctuary on Maui. Presently this is an information item only but later copies of the Minutes of the public hearing will be furnished members. Mr. Walker said he hopes to submit the final regulations to the Board of Land and Natural Resources for adoption in about a month.

7. Discussion on the Implication of Designation of Critical Habitat for Palila on the Department's Sheep Management Program on Mauna Kea

Dr. Ziegler said that he had talked to Mr. Takata several weeks ago regarding the August 11 Federal Register and had asked him if he would care to ask the Attorney General's office whether the State is breaking the Federal law in keeping sheep on Mauna Kea. Mr. Takata had stated that he did not care to seek an opinion from the Attorney General. Dr. Ziegler then felt perhaps it would be appropriate to pursue the matter with Mr. Hansen of the local U.S. Fish and Wildlife Service and he had hoped that the Division of Fish and Game would have done this and had an answer by the time of this meeting.

In the absence of Mr. Takata who was on an out-of-State trip attending the International Association of Fish and Wildlife Agencies conference, Mr. Walker informed the members that the Division of Fish and Game had received a letter several months ago from the Department of the Interior Regional office in Portland. In it they advised that the conditional statement placed on wildlife projects W-16-D-3 and W-17-R-3 limits the use of federal aid funds to work intended to accomplish continued reduction in the sheep and goat populations, and that such funds could not be used for sustained yield management or maintenance of present population levels of sheep or goats. He said he would make this letter available to the members if they so desired.



8. Proposed Review of Commission's Activities and Actions,  
Ballots and Functional Role since its Inception

Dr. Radovsky who requested that this item be placed on the agenda felt that it would be appropriate to review and analyze what the Animal Species Advisory Commission has accomplished since its inception seven years ago. He recollected criticism of the Commission during the 1977 legislative session in respect to aquaculture and block voting. He believed the Commission has served a significant role but wanted to have some data available should the effectiveness of the Commission be questioned or challenged in the future.

Chairman Conant suggested something that would be relatively objective, perhaps the distribution of voting on agenda items. In respect to balloting, the idea was tossed around by members to do an eighteen-month analysis, starting with June 1977 and going back a year and a half, listing the motions and votes. This proposal did not materialize since there were no volunteers to tackle the task of extracting the information and categorizing the motions from the minutes.

9. Added Item -- DLNR Regulation No. 4

This item was added to the agenda by unanimous vote of the members present.

Chairman Conant said that she received a copy of a proposed revision to DLNR Regulation No. 4, relating to conservation district lands. The suspense date for input on this regulation was the previous day (9/15/77) but because of the importance of the regulation she felt that the Commission should discuss it and submit its comments even after the deadline.

Mr. Walker explained further that the Department will be subjecting the draft regulation 4 to public hearing statewide and he thought the Commission still might have time to discuss the regulation at its next meeting and submit its comments to the Department before the regulation is finalized. (Mrs. Nishihira was asked to send copies of the draft regulation No. 4 to the members for review and discussion at its next meeting.)

NEXT MEETING

Next meeting scheduled for Friday, October 14, 1977.

ADJOURNMENT OF MEETING:

Meeting adjourned at 4:15 p.m.

Respectfully submitted,



LILLIAN A. NISHIHIRA  
Secretary Pro-tem



MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, December 2, 1977  
Kalanimoku Building -- Conference Room 322-A  
1151 Punchbowl Street  
Honolulu, Hawaii

MEMBERS PRESENT:

1. Conant, Sheila (Chmn.)
2. Babineau, Dorothy F.
3. Beardsley, John W.
4. Inoue, Alvin M.
5. Jardin, Caesar R.
6. Takata, Michio
7. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Lau, Henry T. S.
3. Radovsky, Frank J.

OTHERS PRESENT:

1. Steve Montgomery, Natural Area Reserves System Commission
2. David H. Woodside, Division of Fish and Game
3. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Approval of Minutes of September 16, 1977.
2. Review of Environmental Impact Statement for Kekaha Game Management Area Noxious Shrub Control Project, Kauai.
3. Discussion -- Possibility of State Qualifying for Entering into Federal Endangered Species Cooperative Agreement, other than by Amendment of Hawaii Endangered Species Act.

The meeting was called to order by Chairman Conant at 1:20 p.m.

1. Approval of Minutes of 9/16/77

Page 5, item 9, paragraph 2: Chairman Conant asked that the words "suspense date" be changed to "deadline." Since there were no further corrections or additions, the Minutes of the meeting of September 16, 1977 were approved.

2. Review of Environmental Impact Statement for Kekaha Game Management Area Noxious Shrub Control Project, Kauai

Commission members were furnished, with the agenda, copies of a draft Environmental Impact Statement for a proposed noxious shrub control project, primarily to improve game bird and mammal habitat for recreational hunting. In 1975 an environmental assessment and negative declaration was prepared for the currently proposed 500-acre project. Subsequently, the Division of Fish and Game had learned that an environmental impact statement was required since the project concerned environmental modification.



Dr. Ziegler asked why the January 7, 1977 form letter which was sent to some 18 agencies explaining the proposed project had not been sent to the Audubon Society, Sierra Club, Hawaiian Botanical Society and the Conservation Council for comments also. Mr. Takata responded that the Division of Fish and Game had provided the Office of Environmental Quality Control with about 130 copies of the draft and that the OEQC will be distributing copies of the EIS to all the affected agencies for comments and recommendations.

He said that Wildlife Branch Chief Ronald Walker wanted the Commission at this time to review and ask questions on this draft. What he needs from the Commission is its view as to whether it adequately addresses all environmental concerns or whether there are any misstatements. The Division was not asking for any recommendation on the action itself, merely on the adequacy of the impact statement. Following the EIS process, the DLNR will be making an action decision as to whether or not to approve this project.

Dr. Beardsley asked who had compiled the list of plants that appeared in Appendix III and wondered if some competent botanists had gone through this area. Mr. Takata said he thought that it was done by the Forestry and the Fish and Game staff.

Chairman Conant felt it might be appropriate to suggest some literature research to see if there are any specific effects of the two herbicides, Tordon 22K and 2, 4-D, on birds in particular. This was due to the concern expressed by Mrs. Babineau on the possible harm to the federally protected birds (cardinal, owl and mockingbird) in the project area.

Dr. Beardsley pointed out that there is a statement on page 4 that there are no threatened or endangered species of plants or wildlife and wondered about the accuracy of this information. Mr. Takata said that about two weeks ago he had seen comments on this proposal by Carolyn Corn, botanist with the Division of Forestry, and although he couldn't remember the details, he thought she had made a pretty thorough analysis. Mr. Takata said he would ask Ron Walker who received Ms. Corn's comments to make it available to the Commission members.

On page IV of the Appendix, Chairman Conant suggested that the sub-species of the owl be shown (thinks it is sandwicensis). Also, she said, the Cardinal is now Cardinalis cardinalis.

Dr. Ziegler requested that the draft Kekaha EIS be included on the next meeting's agenda.

3. Discussion -- Possibility of State Qualifying for Entering into Federally Endangered Species Cooperative Agreement, other than by Amendment of Hawaii Endangered Species Act

Dr. Ziegler who asked to include this item on the agenda was concerned that the State of Hawaii is not eligible to receive federal funds under the Endangered Species Act of 1973 because Act 65, SLH 1975 does not satisfy the provisions of the federal Endangered Species Act.



Proposed legislative bills to rectify this deficiency were turned down the past two years. He wondered if there were some means, other than by amending the statutes, to meet the criteria of the federal act.

Mr. Takata said that the Division of Fish and Game proposed an administration bill and submitted to the Department of Land and Natural Resources for transmittal to the Governor's office. We have since learned, he said, that our proposed bill will not be introduced in the 1978 legislature but that the bills that were considered at the last session will be re-introduced and at that time we can offer our amendments. Dr. Ziegler was worried that the bill may be turned down again.

Mr. Takata said that the endangered species act does not automatically qualify Hawaii to enter into a cooperative agreement with the federal government. A prerequisite for qualifying is a Memorandum of Law. What has to be done is to look at other State's laws that satisfy the requirements of the Act.

The Division of Fish and Game had asked the State Attorney General's office to prepare a Memorandum of Law and in both instances we provided Memorandums of Law that mainland states prepared that were approved by the federal government. The Attorney General's office responded by asking the Division of Fish and Game to prepare the Memorandum of Law. This is a legal document and not having legal training, what we will have to do is to draft up a document in substance and have the Attorney General's office review it.

Mr. Takata asked Mr. Woodside to undertake the task of writing up the Memorandum of Law.

AGENDA ITEM FOR NEXT MEETING:

Chairman Conant said she would appreciate receiving a progress report on the attempted mongoose control on Kauai.

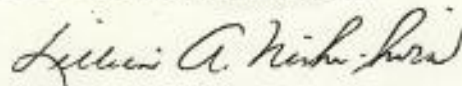
NEXT MEETING:

Next meeting scheduled for Friday, January 27, 1978.

ADJOURNMENT OF MEETING:

Meeting adjourned at 2:30 p.m.

Respectfully submitted,



LILLIAN A. NISHIHIRA  
Secretary Pro-tem





DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

January 20, 1978

Animal Species Advisory Commission  
Sheila Conant, Chairman  
Frank J. Radovsky, Vice-Chairman

MEETING NOTICE/AGENDA -- ANIMAL SPECIES ADVISORY COMMISSION

DATE : Friday, January 27, 1978

TIME : 1:00 p. m.

PLACE : New State Office building (Kalanimoku), Conference Room #322-A,  
1151 Punchbowl Street, Honolulu, Hawaii

- AGENDA:
1. Approval of Minutes of Meetings of 10/14/77 and 12/2/77.
  2. Resubmittal -- Review of Environmental Statement for  
Kekaha Game Management Area, Kauai ..... Walker
  3. Discussion -- Environ. Impact Assessment for NASKA  
Sewage Pump Station, Kanaha Pond, Maui  
(requested by Ziegler) ..... Walker
  4. Discussion -- Kahohe Horse Pasture and Kilohana Weed  
Control Problem, Hawaii (requested by Inoue) ..... Walker
  5. Information -- Adoption of Regulation 44, concerning  
Honolua Marine Life Conservation District ..... Ego
  6. Progress Report -- Mongoose Control on Kauai  
(requested by Conant) ..... Walker

Sheila Conant (ln)  
SHEILA CONANT, Chairman  
Animal Species Advisory Commission

attachs:

- parking permits
- purchase orders for air fare (Inoue, Lau, Jardin)
- minutes of 10/14/77 and 12/2/77
- regulation 44 (draft III), Honolua MLCD, Maui; minutes of hearing 11/30/77
- letter of 1/3/78 from DOT to Fish & Game re: sewage pump station

MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, October 14, 1977  
Kalanimoku Building -- Conference Room 322-C  
1151 Punchbowl Street  
Honolulu, Hawaii

MEMBERS PRESENT:

1. Conant, Sheila (Chmn.)
2. Babineau, Dorothy F.
3. Beardsley, John W.
4. Inoue, Alvin M.
5. Jardin, Caesar R.
6. Lau, Henry T. S.
7. Radovsky, Frank J.
8. Takata, Michio
9. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji

OTHERS PRESENT:

1. Robert Lee, Exec. Officer, Natural Area Reserves System Commission
2. Ronald L. Walker, Division of Fish and Game
3. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Approval of Minutes of 9/16/77 Meeting.
2. Review and Comment on Proposed Revision to DLNR Regulation No. 4.
3. Consideration of Draft Regulation 24 (7/21/77) Game Mammal Hunting, Maui, and Draft Regulation \_\_\_\_ (7/21/77) Kanaha Pond Wildlife Sanctuary, Maui.
4. Review and Discussion of Draft Hawaiian Waterbirds Recovery Plan.
5. Status Report on Proposed Honolulu Bay Marine Life Conservation District Regulation, Maui.

The meeting was called to order by Chairman Conant at 1:15 p.m.

1. Approval of Minutes of 9/16/77 Meeting

This item was deferred since the Minutes were not available.

2. Review and Comment on Proposed Revision to DLNR Regulation No. 4

The current Department of Land and Natural Resources Regulation No. 4 adopted in September 1964 provided a measure of guidance in implementing land use within the conservation district. However, the regulation had come under criticism and the Department was mandated to update Regulation No. 4 by a resolution adopted by the 1976 Legislature.



In this effort, the Animal Species Advisory Commission, among others, was asked to comment on this proposed revision to Regulation No. 4. The deadline for submission of comments was September 15, 1977.

Although it was already past the deadline, the Commission nevertheless critically reviewed the proposal at length and made many suggested revisions.

Motion by Dr. Beardsley, seconded by Mrs. Babineau, and unanimously carried.

MOTION: That the Chairman of the Animal Species Advisory Commission write a letter to the Chairman of the Department of Land and Natural Resources advising him that the Commission had reviewed the revised Departmental Regulation No. 4 (draft 4, June 1, 1977) and approved it in substance, but with comments and suggestions for improvement. This summary to represent a consensus of opinions, rather than a unanimous view, held by the Commission members.

3. Consideration of Draft Regulation 24 (7/21/77), Game Mammal Hunting, Maui; and Draft Regulation (7/21/77), Kanaha Pond Wildlife Sanctuary, Maui

Mr. Walker informed the Commission members that Regulation 24 and Regulation 43 (recently assigned this no.) would be considered for adoption by the Board of Land and Natural Resources at its meeting on October 28, 1977.

Mr. Lau said that the Maui Fish and Wildlife Advisory Committee had considered both of these regulations concerning Maui and urged their adoption.

Motion by Mrs. Babineau, seconded by Dr. Beardsley, and unanimously carried.

MOTION: That the Animal Species Advisory Commission recommend the adoption of the final drafts of Regulation 24 and Regulation 43.

4. Review and Discussion of Draft Hawaiian Waterbirds Recovery Plan, 1977

Under the Endangered Species Act of 1973, the U. S. Fish and Wildlife Service appointed recovery teams for endangered species for which active programs are needed. A recovery team headed by Ronald L. Walker was appointed to prepare a Recovery Plan for the Hawaiian Waterbirds (stilt, coot and gallinule).

The Commission was asked to comment on the draft plan which was still subject to modification before final approval by the U. S. Fish and Wildlife Service.

Discussion centered mainly on the population figure 2,000 as mentioned in the primary objective of the plan. "The objective of the plan is to provide and maintain populations of at least 2,000 Hawaiian stilts, 2,000 Hawaiian coots and 2,000 Hawaiian gallinules in, at a minimum, the habitats and island distribution existing in 1976 and to remove the species from the endangered status."

Dr. Radovsky felt that without having more information on what would constitute a self-sustaining population it was dangerous even on an interim basis without some qualification to use an absolute figure of 2,000 as an objective for the population of birds.



Chairman Conant said that if the recovery team felt that the information was not sufficient to put a number down, they should say so. By putting a number down, she said, the team is committing itself to something that may not be ecologically sound. She stated that if numbers had to be put down, there should be some very strong qualifying comment somewhere in the plan. Because of all the problems with censusing, she thought the 2,000 limit extremely tenuous.

Dr. Radovsky had the impression from reading the plan that it was fairly fixed.

Dr. Ziegler also said that he couldn't understand why there was a need to specify numbers and suggested leaving them out completely.

Mr. Takata stated that the figure was adopted by the recovery team on the basis of the guidelines handed to them by the Fish and Wildlife Service.

Chairman Conant questioned whether setting numbers would facilitate a mechanism for removing the species from the endangered category. She felt that the populations should be self-sustaining so that they would not be wiped out by one or two catastrophies.

Chairman Conant commented further that the objectives of the plan (page 11) should be stated more clearly in an attempt to promote maximum productivity of the species.

She said, also, that under Enhancement of Productivity (page 24), "during nesting periods" should be deleted so that the sentence reads: "Water levels should be carefully managed."

Motion by Mrs. Babineau, seconded by Mr. Lau and unanimously carried.

MOTION: That the Chairman of the Animal Species Advisory Commission draft a letter of comment to the Regional Director of the U. S. Fish and Wildlife Service office in Portland, Oregon, concerning the draft proposal "Hawaiian Waterbirds Recovery Plan, 1977."

5. Status Report on Proposed Honolua Bay Marine Life Conservation District Regulation, Maui

Mr. Lau reported that Honolua Bay was the fourth area to be designated as a marine life conservation district on Maui. The other three areas are the Ahihi-Kinau Natural Area Reserves, Hulopoe-Manele MLCD, and the Molokini Shoals MLCD. From the input received from the public meetings he said more and more people are realizing the need for these marine life conservation districts and perhaps a need for a master plan for the shoreline. He said a public hearing will be held on November 30 to consider the draft regulation.

NEXT MEETING:

Next meeting scheduled for Friday, November 18, 1977.



Minutes of 10/14/77 Meeting -- 4

ADJOURNMENT OF MEETING:

Meeting adjourned at 4:50 p.m.

Respectfully submitted,

*Lillian A. Nishihira*

LILLIAN A. NISHIHIRA  
Secretary Pro-tem



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

February 27, 1978

Animal Species Advisory Commission  
Sheila Conant, Chairman  
Frank J. Radovsky, Vice-Chairman

DATE : Friday, March 3, 1978

PLACE: Kalanimoku Building, Conference Room #322-C,  
1151 Punchbowl Street, Honolulu, Hawaii

TIME : 1:00 p.m.

A G E N D A

1. Acceptance of Minutes of 1/27/78 meeting.
2. Reconsideration of Conservation District Use Application OA-8/31/76-842 for farming Eucheuma in reef-runway pond, Honolulu airport, applicant Brewer Chemical Corporation (requested by Conant).
3. Review and approval of proposed Regulation 45 (draft #2, 10/27/77), concerning the establishment, maintenance, management and operation of the Waikiki-Diamond Head Shoreline Fisheries Management Area, Oahu.
4. Discussion -- Federal qualifications eased for states to enter into joint Federal/State endangered species management agreements (requested by Ziegler).
5. Discussion -- Possible reorganization of division of fish and game and implications on the role of the Animal Species Advisory Commission (requested by Conant).

attachs:

Parking permits  
Purchase orders for air fare (Inoue, Lau, Jardin)  
Minutes of 1/27/78 meeting  
Regulation 45 (draft #2, 10/27/77) and minutes  
Excerpt from Endangered Species Tech. Bull. 3(1), 1978  
11/30/77 letter from Conant to Lehenbauer re: Hawaii End.  
Waterbirds Recovery Plan (info. copy)  
CDUA-OA 842, Eucheuma



MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, January 27, 1978  
Kalanimoku Building -- Conference Room 322-C  
1151 Punchbowl Street  
Honolulu, Hawaii

MEMBERS PRESENT:

1. Conant, Sheila (Chmn.)
2. Babineau, Dorothy F.
3. Ego, Kenji
4. Inoue, Alvin M.
5. Lau, Henry T. S.
6. Ziegler, Alan C.

MEMBERS ABSENT:

1. Beardsley, John W.
2. Fujimura, Takuji
3. Jardin, Caesar R.
4. Radovsky, Frank J.

OTHERS PRESENT:

1. J. Brent Giezantner, Refuge Manager, U.S. Fish & Wildlife Service
2. Ronald L. Walker, Division of Fish and Game
3. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Approval of Minutes of Meetings of 10/14/77 and 12/2/77.
2. Review of Environmental Impact Statement for Kekaha Game Management Area, Kauai.
3. Discussion -- Environmental Impact Assessment for NASKA Sewage Pump Station, Kanaha Pond, Maui.
4. Discussion -- Kache Horse Pasture and Kilohana Weed Control Problem, Hawaii.
5. Information -- Adoption of Regulation 44, Concerning Honolulu Marine Life Conservation District, Maui.
6. Progress Report -- Mongoose Control on Kauai.

The meeting was called to order by Chairman Conant at 1:20 p.m.

1. Approval of Minutes of Meetings of 10/14/77 and 12/2/77

The Minutes of the meetings of 10/14/77 and 12/2/77 were approved, as submitted.

2. Review of Draft Environmental Impact Statement for Kekaha Game Management Area, Kauai

Mr. Walker informed the Commission members that the Division of Fish and Game is in the final stage of reviewing the draft EIS to control noxious shrubs in the Kekaha Game Management Area on Kauai. He said that the Division had received about thirty (30) responses from the various agencies and individuals affected by the project and that most of the reviewers had no overriding objections to the draft EIS or saw no serious inadequacies. However, some had reservations about the use of the chemicals and adequacy of the survey on the flora and fauna.



Leeward Community College was concerned that we did not specify the exact subspecies of aalii which is the major native plant which will be affected.

The Environmental Center mentioned that our listing of plants was not adequate and suggested that we do more detailed botanical work.

The Office of Environmental Quality Control made technical changes and also said that we should explain why we can proceed using Tordon even though federal labelling does not approve its use.

The U.S. Fish and Wildlife Service were of the opinion that there would be no impact on endangered species of plants or animals.

The American Lung Association posed some questions on the use of Tordon.

Mr. Walker said that he could see one possible problem and that was in the suggestion of comprehensive botanical survey as this would take weeks to do and would be expensive. Carolyn Corn, botanist with the Forestry Division, does not have time available to do it, and he did not know whether the Division of Fish and Game should proceed with the project without having this intensive survey.

Chairman Conant said that if the EIS is approved and Fish and Game does decide to go ahead with the project, an attempt should be made to get some idea as to what happens to the vegetation. According to Carolyn Corn's memo there is some concern that eradication of aalii might facilitate the spread of lantana.

3. Environmental Impact Assessment of NASKA Sewage Pump Station, Kanaha Pond, Maui

Dr. Ziegler who asked that this item be included in today's agenda said that the Bishop Museum, among others, received a letter from the State Department of Transportation requesting comments on the proposed NASKA sewage pump station and force main in the vicinity of the Kanaha Pond Wildlife Sanctuary on Maui. He wondered how Fish and Game felt about this project.

Mr. Walker replied that the Division's response to the EIA was that we thought it was adequate at that stage. The only impact envisioned was that there might be, while digging, some disturbance in the soil with possible runoff into the ocean and maybe into the pond. Insofar as impact on the exotic birds in the area was concerned, it would be minor, he said.

Mr. Walker added that this proposal is in the very initial stages and that later, should there be a need for a full-fledged EIS, further input could be provided.

4. Kaohe Horse Pasture and Kilohana Weed Control Problem, Hawaii

Mr. Inoue informed the members that the Big Island was also experiencing a noxious weed problem in the Kaohe Horse Pasture. He brought with him two colored photos showing the area completely matted with grass. Over the years he said he noticed that with the moving of the cattle out of the area, the bird population suffered and dropped drastically. The birds stayed away since they are not able to live in that type of cover. Hunters complain because the area cannot support substantial birdlife under these conditions.



He posed this problem to the Commission for consideration and suggested the possibility of leasing this area to ranchers and fencing off the critical mamane-naio stands on a conditional basis (involving about 2,000 acres).

Mr. Ego commented that with controlled grazing there might be accelerated mamane regrowth. He said that he had been in the area and he didn't think that having cattle in the area would be necessarily damaging to the mamane. The situation is different now because the mamane stand is not as extensive as before.

Mr. Walker said that he could see the advantage of bringing cattle in to open the dense grasslands for game birds. Water will have to be brought in, however, which will be good for the birds as well.

Mr. Inoue mentioned that the Division of Forestry is in favor of putting cattle in this area.

In answer to Chairman Conant's question as to whether an EIS was required, Mr. Walker replied that he thought we would first have to go through a Conservation District Use Application to see if an EIS is necessary.

Mr. Inoue stressed the importance of getting something started; that he has been trying to determine which is the best route to take. One consideration was to write a letter to the Chairman of the Department of Land and Natural Resources. The Division of Fish and Game would be the lead agency, Mr. Ego said, to do anything in this area that coordination with other agencies, such as Forestry and Land Management should be carried out.

Mr. Inoue stated that he will be writing as Chairman of the Hawaii County Fish and Wildlife Advisory Committee to the Chairman of the DLNR on this problem.

Mr. Inoue moved that the Commission send a letter to the Chairman of the DLNR describing the poor game bird habitat and weed problem in the Kahohe Horse Pasture and Kilohana area on Hawaii recommending that a possible solution to the problem would be the leasing of the area for cattle under controlled condition with the possibility of fencing off the critical mamane-naio stands.

Motion seconded by Mr. Lau. Discussion followed.

Dr. Ziegler said that he would prefer that the Commission ask the Chairman of DLNR to look into the problem of managing the habitat in such a manner that more game bird hunting could be provided, and the mamane-naio ecosystem and palila could be protected at the same time by some method, possibly grazing.

Chairman Conant agreed with Dr. Ziegler that we should describe the problem at hand, and suggesting that these things be done -- the land be managed to enhance game bird hunting, protect or promote the growth of mamane-naio, etc.

Mr. Inoue modified his motion, as follows:

MOTION: The the Animal Species Advisory Commission send a letter to the Chairman of the Department of Land and Natural Resources describing the problem in the Kahohe Horse Pasture area and recommend that in order to enhance game bird populations as well as protect and possibly increase the mamane-naio regrowth, allow cattle grazing under controlled conditions as a possible solution to the problem.



Motion seconded by Mr. Lau and unanimously carried.

5. Adoption of Regulation 4, Concerning Honolua Marine Life Conservation District, Maui

Mr. Ego reported that the Board of Land and Natural Resources at its meeting this morning (1/27/78) approved the proposed Regulation 44 concerning Honolua-Mokuleia Bay Marine Life Conservation District, island of Maui, with an amendment to the regulation. The Board was concerned about boating activities within Honolua Bay and wanted to see certain controls instituted. Mr. Ego's response to the Board was that the DLNR was not authorized to control boating activities which rightfully belongs under the jurisdiction of the Department of Transportation.

The final outcome of the meeting was that the section on boating that appears in the Manele-dulopoe MLCB regulation was accepted for amendment into the present Regulation 44 for Honolua Bay, under Part II, Section 1.

Mr. Ego said that the Board further instructed him to request a written opinion from the Attorney General's office as to whether or not DLNR can or cannot regulate boating activities within such a marine life conservation district.

Chairman Conant stated that although the BLNR approved Regulation 44, it might be a good idea if the Commission concur their action.

Motion by Mrs. Babineau, seconded by Mr. Inoue, and unanimously carried.

MOTION: That the Animal Species Advisory Commission commend the Board of Land and Natural Resources for their action in adopting Regulation 44 and the suggested amendment.

6. Progress Report -- Mongoose Control on Kauai

Chairman Conant introduced Mr. J. Brent Giezentanner, Refuge Manager of the U.S. Fish and Wildlife Service, to talk to the Commission on its proposal to assist the State with manpower and financial support in the mongoose trapping program on Kauai.

Mr. Giezentanner said that President Carter in his effort to take the people off unemployment onto conservation programs created the Young Adult Conservation Corps (YACC). This is a year-round program initially established for the next 18 months, probably to continue for the next three years. There'll be a total of 25 people working through the U.S. Fish and Wildlife Service, spread between the islands of Oahu, Kauai and Hawaii. Four (4) men, full time, will be offered to the State on the island of Kauai. Money is also available for traps, bait and transportation capability for these 4 men, but no supervising capability. The federal government is also restricted by executive order from using poisons.

Motion by Dr. Ziegler, seconded by Mrs. Babineau.



MOTION: That the Animal Species Advisory Commission recommend to the Chairman of the Department of Land and Natural Resources that favorable consideration be given to the acceptance of Mr. Giezentanner's proposal of the four YACC men for Kauai and possibly allowing the Division of Fish and Game to provide supervisory personnel.

Mr. Ego felt that a motion was not necessary and said that he would rather discuss this matter with Board Chairman Thompson who would in all likelihood favor such a program.

Dr. Ziegler withdrew his earlier motion and made the following motion which was seconded by Chairman Conant and unanimously carried.

MOTION: That the Animal Species Advisory Commission appreciated Mr. Giezentanner's coming to the meeting and talking to the Commission members on its YACC program.

Mr. Walker reported that Tom Telfer, Kauai District Wildlife Biologist, is continuing to monitor the mongoose problem. There have been few new reports of sightings and those received have not been reliable. The Division has followed up on all of these reports. Whether there's a lack of interest in the problem or lack of sightings is unknown.

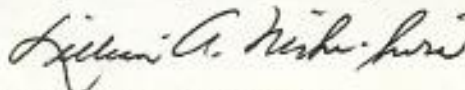
NEXT MEETING:

Next meeting scheduled for Friday, March 3, 1978.

ADJOURNMENT OF MEETING:

Meeting adjourned at 3:45 p.m.

Respectfully submitted,



LILLIAN A. NISHIHIRA  
Secretary Pro-tem

GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

April 14, 1978

Animal Species Advisory Commission  
Sheila Conant, Chairman  
Frank J. Radovsky, Vice-Chairman

DATE : Friday, April 21, 1978  
PLACE: Kalanimoku Building, Conference Room #322-A, 3rd floor,  
1151 Punchbowl Street, Honolulu, Hawaii  
TIME : 2:30 p. m.

A G E N D A

Entire meeting will be devoted to Eucheuma aquaculture  
with the following persons participating in the discussion:

1. Dr. Maxwell S. Doty, University of Hawaii,  
Department of Botany
2. Mr. L. R. Maurina, Vice-President, Operations,  
Brewer Chemical Corporation
3. Mr. Masao Hanaoka, Chief, Plant Quarantine Branch,  
State Department of Agriculture

In  
attachments:

Parking permits  
Purchase orders for air fare (Inoue, Lau, Jardin)  
Itinerary for Eucheuma field trip  
Seaweed (ogo) recipe  
Xerox copy of 3/30/78 letter of invitation  
" " " 3/28/78 letter from Mr. Thompson re: Kaohe GMA



GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

May 15, 1978

Animal Species Advisory Commission  
Sheila Conant, Chairman  
Frank J. Radovsky, Vice-Chairman

DATE : Friday, May 19, 1978

PLACE : Kalanimoku Building, Conference Room #322-C, 3rd floor,  
1151 Punchbowl Street, Honolulu, Hawaii

TIME : 1:00 p. m.

A G E N D A

1. Introduction of New Commission Members:  
Dr. Spencer R. Malecha (Ichthyologist member succeeding Takuji Fujimura)  
Dr. D. Elmo Hardy (Entomologist member succeeding Dr. John W. Beardsley)  
Mr. Kenneth M. Nagata (Botanist member succeeding Ruth A. Gay)
2. Acceptance of Minutes of 3/3/78 Meeting.
3. Discussion of Caged Bird Importations (requested by Babineau)  
Speakers: (1) Mr. Milton Bergthold, President, Finch and Canary Club  
(2) Mr. Masao Hanaoka, Chief, Plant Quarantine Branch, DOA
4. Information -- Memo of Agreement with Lau Ranch for Limited Experimental Grazing in the Kaohe Game Management Area, Island of Hawaii.
5. Discussion -- Endangered Species Memorandum of Law Regarding Maui Humpback Whale Sanctuary (requested by Ziegler).
6. Discussion -- Increased Use of News Releases by Division of Fish and Game (requested by Ziegler).

attaches: Parking Permits

Purchase Orders for Air Fare (Inoue, Lau, Jardin)  
Updated list of ASAC and County Advisory Committees  
Minutes of 3/3/78 Meeting  
Memo of Agreement with Lau Ranch



MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, March 3, 1978  
Kalanimoku Building -- Conference Room 322-C  
1151 Punchbowl Street  
Honolulu, Hawaii

MEMBERS PRESENT:

1. Conant, Sheila (Chairman)
2. Babineau, Dorothy F.
3. Beardsley, John W.
4. Ego, Kenji
5. Lau, Henry T. S.
6. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Inoue, Alvin M.
3. Jardin, Caesar R.
4. Račovsky, Frank J.

OTHERS PRESENT:

1. David Tong, Honolulu Advertiser
2. Ronald L. Walker, Division of Fish and Game
3. Henry M. Sakuda, Division of Fish and Game
4. Eric Onizuka, Division of Fish and Game
5. Noah K. Pekelo, Division of Fish and Game
6. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Acceptance of Minutes of 1/27/78 Meeting.
2. Reconsideration of CDUA OA-842 for Farming Eucheuma in Reef Runway Pond, Honolulu Airport, Brewer Chemical Corporation.
3. Review and Approval of Proposed Regulation 45 (draft #2, 10/27/77), Concerning the Establishment, Maintenance, Management and Operation of the Waikiki-Diamond Head Shoreline Fisheries Management Area, Oahu.
4. Discussion - Federal Qualifications Eased for States to Enter into Joint Federal/State Endangered Species Management Agreement.
5. Discussion - Possible Reorganization of Division of Fish and Game and Implications on the Role of the Animal Species Advisory Commission.

The meeting was called to order by Chairman Conant at 1:15 p.m.

1. Acceptance of Minutes of 1/27/78 Meeting

The Minutes of the meeting of 1/27/78 were approved as submitted.

2. Reconsideration of CDUA OA-842 for Farming Eucheuma in Reef Runway Pond, Honolulu Airport, Brewer Chemical Corporation

The first item for discussion was Brewer Chemical Corporation's re-application to conduct marine research on the seaweed Eucheuma in approximately 25 acres of the 211-acre reef runway tidal pond at the Honolulu Airport. A one-year permit is being requested by the applicant during which a feasibility study will be undertaken to determine the seaweed's potential as a new industry for Hawaii. The original application was denied by the Board of Land and Natural Resources in January 1977 due to lack of information on (1) effective controls and measures to prevent the escape and unwanted growth of Eucheuma in areas of environmental significance, and (2) methods to be utilized for the eradication or elimination of the Eucheuma should the project prove unsuccessful.



Brewer Chemical has since submitted new data to clear up the areas of concern and to support their contention that effective controls and eradication measures have been demonstrated and asked the Board of Land and Natural Resources to reconsider their Conservation District Use Application (CDUA). This new information was referred to the Animal Species Advisory Commission, among other agencies, and is on today's agenda for review, comment and recommendation.

To refresh the Commission members' memory, Dr. Ziegler read the motion which was previously passed by ASAC at its January 21, 1977 meeting: "That the ASAC strongly recommends that no application for the movement of the seaweed Eucheuma striatum tambalang variety within the State of Hawaii be approved until after a full multi-disciplinary environmental assessment of the possible adverse effects which the spread of this organism may have upon aquatic ecosystems has been conducted. Furthermore, it is recommended that all applications for movement of this organism should be carefully evaluated in the light of the findings of this environmental assessment." In essence, all the Commission did in this motion, Dr. Ziegler said, was to advise that an environmental assessment be required, but did not advise for or against the proposal.

Mr. Ego said that the Department of Agriculture denied Brewer Chemical's request to transfer Eucheuma from Kaneohe Bay to the Reef Runway tidal pond; therefore, the entire proposal is moot at the present time. Brewer does not have any authorization to move the Eucheuma from Kaneohe Bay. He said although he cannot speak for the Board of Land and Natural Resources, it would seem unlikely that the Board would approve this proposal since the Department of Agriculture has already turned down this request.

A detailed discussion ensued and the Commission members were concerned that some very important data were still lacking, e.g., in the nature of the wall in the pond which could be an ideal substrata for the alga to grow on should it silt up over the years; the impact on the existing fishery should the Eucheuma escape into adjacent open waters; the question of whether or not Brewer would be able to remove all of the alga out of the pond upon abandonment of the project; and some conflicting statements which appeared in Dr. Maxwell Doty's report.

The consensus of the members was that this agenda item be held in abeyance until the next Commission meeting since there were so many unanswered questions about the real and potential effects of Eucheuma on the reef ecosystems. To get more direct input, the Commission agreed to invite the following to the next meeting: Dr. Maxwell Doty of the U.H. Botany Department; Mr. L. R. Maurina of Brewer Chemical Corporation; a representative of the State Department of Agriculture; and others who might be able to provide information and informed opinions on the issues involved.

Motion by Dr. Beardsley, seconded by Mrs. Babineau, and unanimously carried:

MOTION: That the Chairman of the Animal Species Advisory Commission write to the Chairman of the Board of Land and Natural Resources advising that the Commission discussed the reconsideration of Brewer Chemical Corporation's CDUA to cultivate Eucheuma in the reef runway pond but was not able to make definite recommendations until additional input is obtained from others, outside of the Commission.



Mr. Ego suggested that the Commission members might wish to make a field trip to Kaneohe Bay and the Reef Runway Pond to look at the area to get the "feel" of the situation.

3. Review and Approval of Proposed Regulation 45 (draft #2, 10/27/77), Concerning the Establishment, Maintenance, Management and Operation of the Waikiki-Diamond Head Shoreline Fisheries Management Area, Oahu.

Mr. Sakuda, Acting Fisheries Branch Chief, explained that the proposed Regulation 45 (draft #2, 10/27/77), to establish the Waikiki-Diamond Head Shoreline Fisheries Management Area on the Island of Oahu is a product of input received through two public meetings that were held in September and October 1977. Subsequently, this draft has been sent to the Attorney General's office for preliminary approval as to form and will be submitted to the Board of Land and Natural Resources for adoption as soon as the Attorney General's review is completed.

Mr. Ego pointed out the major provisions of the proposed Regulation 45: (1) Establishes the groin seaward of the Kalakaua-Kapahulu Avenue junction and the Diamond Head Lighthouse as the fisheries Management area; (2) establishes complete closure to fishing for two years (effective 7/1/78 to 6/30/80). The third year (effective 7/1/80) the area will be open only to pole-and-line fishing. The year after (effective 7/1/81) the area will be open to all legal fishing activities. Following that second year of opening, it will be closed again for two years on an alternating two-year basis commencing on 7/1/82.

Discussion followed:

Motion by Dr. Ziegler, seconded by Dr. Beardsley:

MOTION: That the Animal Species Advisory Commission recommends that the Board of Land and Natural Resources adopt draft #2 of Regulation 45.

Mrs. Babineau moved, seconded by Dr. Ziegler, to amend the motion by adding "with limu taking prohibited during the closed seasons."

Discussion followed.

Both Dr. Beardsley and Mr. Lau felt that for the purpose of getting the proposed regulation through, and because this is the first experimental attempt of the Kapuku system, the issue on limu should be disregarded.

Mrs. Babineau withdrew her motion, seconded by Dr. Ziegler.

Vote on the main motion:

Vote in favor:	5 (Conant, Beardsley, Ego, Lau, Ziegler)
Vote opposed:	1 (Babineau)
Abstention:	0

Motion defeated, lacking a majority of six votes.



4. Discussion - Federal Qualifications Eased for States to Enter into Joint Federal/State Endangered Species Management Agreement

Dr. Ziegler made reference to an article that appeared in the Endangered Species Technical Bulletin, 3(1), 1978 (copies of which were furnished Commission members), whereby an amendment has been made to the Endangered Species program to allow a State to qualify for federal funds if it satisfies all the requirements set forth for entering into cooperative agreement and if the State has submitted plans that indicate it will devote immediate attention to State listed or Federally listed species that both the State and the Secretary are in agreement as being those most in need of conservation programs.

Dr. Ziegler asked which would be an easier undertaking -- prepare a Memorandum of Law or submit plans?

Mr. Ego thought a Memorandum of Law is still required. The Attorney General's office in an earlier memo advised the Division of Fish and Game to draft up this legal document. Although there is no time table set, the Division, lacking legal training, is having some difficulty in drafting this Memo of Law.

Mr. Walker has since learned that some law students at the University of Hawaii and Mr. Chuck Renda of the U.S. Fish and Wildlife Service Solicitor's Office have offered their services to the Division.

5. Discussion - Possible Reorganization of Division of Fish and Game and Implications on the Role of the Animal Species Advisory Commission

Under consideration in the 1978 legislature are several bills relating to the reorganization of the Division of Fish and Game.

HB 3058-78 (and its companion bill SB 2617-78) is an administration bill that the Department of Land and Natural Resources drafted and requested that it be introduced. The purpose of this bill is to create a conservation and resources enforcement program within the DLNR and allow the BLNR to administratively reorganize the department to create an integrated enforcement program, a forestry and wildlife division, and a fisheries and aquaculture division.

HB 2750-78 mandates the creation of an enforcement division within the DLNR, transfers the wildlife branch from the fish and game division to the forestry division and creates a division of fisheries and aquaculture.

Should the reorganization bill pass, where would that leave the Animal Species Advisory Commission since it is advisory by law to the Division of Fish and Game? That was the question raised by Chairman Conant and the reason why she asked that this item be included on the agenda for discussion.

Minutes of 3/3/78 meeting -- 5

HB 2750-78 would not substantially change the role of the ASAC. The Commission would still be advisory to both new divisions if they were created -- forestry and wildlife, as well as fisheries and aquaculture on appropriate kinds of matters. It's left up in the air with HB 3058-78, so further legislation will be required to address those areas.

Mr. Ego pointed out a slight discrepancy in HB 2750-78. It mentions that the ASAC shall consist of 11 members. Actually, if this change is made, it will consist of 12 members since the wildlife branch chief will most probably serve also as a member of the Commission.

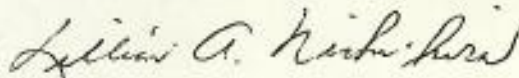
NEXT MEETING AND FIELD TRIP DATE:

A tentative date for the next meeting of the Commission and also prospective Eucheuma field trip to Kaneohe Bay and Reef Runway Pond was decided on. Commission members to meet on April 7, 1978, at 9:00 a.m. at the pier at Kaneohe Bay, proceed to Reef Runway at about 11:00 a.m., followed by a meeting later that afternoon or early evening.

ADJOURNMENT OF MEETING:

Meeting adjourned at 3:10 p.m.

Respectfully submitted,



LILIAN A. NISHIHIRA  
Secretary Pro tem



MINUTES  
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING  
Friday, April 21, 1978  
Kalanimoku Building -- Conference Room 322-A  
1151 Punchbowl Street  
Honolulu, Hawaii

MEMBERS PRESENT

1. Conant, Sheila (Chairman)
2. Babineau, Dorothy F.
3. Beardsley, John W.
4. Ego, Kenji
5. Inoue, Alvin M.
6. Lau, Henry T. S.
7. Radovsky, Frank J.
8. Ziegler, Alan C.

MEMBERS ABSENT

1. Fujimura, Takuji
2. Jardin, Caesar R.

OTHERS PRESENT

1. Mr. L. R. Maurina, Vice President, Operations, Brewer Chemical Corporation
2. Dr. Maxwell S. Doty, UH, Department of Botany
3. Dr. Albert H. Banner, UH, Department of Zoology
4. Dr. Stephen V. Smith, UH, HIMB, Coconut Island
5. Dr. Charles M. Lamoureux, UH, Department of Botany
6. Mr. Dennis Russell, UH, Department of Botany
7. Mr. Masao Hanaoka, Chief, Plant Quarantine Branch, Department of Agriculture
8. Ms. Pat Hunter, Honolulu Advertiser
9. Ronald L. Walker, Division of Fish and Game
10. Lillian A. Nishihira, Division of Fish and Game

AGENDA

Entire meeting was devoted to Brewer Chemical Corporation's Conservation District Use Application OA-8/31/76-842 reapplication to cultivate the exotic seaweed Eucheuma striata tambalang variety in the Reef Runway Pond, Honolulu International Airport.

Commission members spent the morning on a field trip to Kaneohe Bay to observe firsthand the Eucheuma plantings there, followed by a trip to the Reef Runway Pond to inspect Brewer Chemical Corp's proposed Eucheuma culture site.

Chairman Conant called the meeting to order at 2:40 p.m.

Present at the meeting by invitation of the Commission were: Mr. L. R. Maurina, Vice-President of Operations of Brewer Chemical Corporation; Dr. Maxwell Doty and Mr. Dennis Russell of the University of Hawaii Department of Botany; Mr. Masao Hanaoka, Chief of Plant Quarantine Branch, State Department of Agriculture; Dr. Stephen V. Smith of the University of Hawaii, Hawaii Institute of Marine Biology at Coconut Island, among others.

At Dr. Radovsky's request and for those who were not able to make the morning field trip, Mr. Ego briefly described on a map the general area in Kaneohe Bay that was inspected by the members. He said that he was amazed about the change; that is, the lack of Eucheuma during this present trip as compared to the first time he visited there about a year and a half ago.



Dr. Radovsky said he recalls the UH Institute of Marine Biology raised Eucheuma in experimental pens at Coconut Island that escaped into Kaneohe Bay unintentionally and increased to what appeared to be a large and growing standing crop. Now, without any conscious intervention on the part of people it decreased to its current level.

Dr. Smith of HIMB responded that a possible cause of conscious intervention - leading to the present decrease was the removal of the experimental Eucheuma plantings on the reef flat which were seeding the area. Once these reef flat plantings were removed, the population of Eucheuma seaweed elsewhere dwindled and disappeared.

Dr. Doty said the primary barrier to the spread of Eucheuma is: Eucheuma cannot produce spores and can only reproduce by fragmentation. It has never been seen to reproduce naturally. The only attachment ever observed is when it formed a callous resulting from abrasion against a rock or coral. It cannot go uphill, even in places 1/2 meter high.

Dr. Doty mentioned that when the Division of Fish and Game closed down its old aquaculture station many years ago, the UH planted about 10 kg. of Eucheuma, broken up in 30 to 40 pieces, in the area of the Reef Runway and towards the entrance to Pearl Harbor, just beyond the Reef Runway. This was before the ecological concern. The seaweed was fallowed but they all disappeared. The sites were searched several times later and no Eucheuma has ever been seen in the area since.

Mr. Russell spoke to the Commission members about his experiments with Eucheuma under controlled conditions at Coconut Island.

Mr. Maurina was then called upon to clarify Brewer Chemical Corp's reapplication to cultivate Eucheuma in the Reef Runway Pond.

Mr. Maurina said he hoped the Commission realizes that Brewer is not asking to farm the entire Reef Runway Pond but wants to do some pilot stage research in approximately 25 acres. After the pilot stage plot is proven successful and can produce economically, Brewer would then make a request to the Board of Land and Natural Resources to take over the whole pond. At that point, Brewer would be competing with everybody else to acquire use of the entire pond.

He further pointed out that Brewer donated \$25,000 to the UH to develop the seaweed technology. The State of Hawaii spent about \$1,250,000 in aquaculture and today there is still no commercial aquaculture in the State of Hawaii, he said. If the State really wants to get aquaculture going, it has to be done by free enterprise, not any research grants. Brewer has already invested about 5 million dollars in investment in Kilauea Agronomics on Kauai.

Dr. Ziegler asked Mr. Maurina if Brewer would be willing to eradicate the Eucheuma should it wash out outside the Reef Runway.

Mr. Maurina replied that they would and would also patrol the perimeter every thirty days.

Mr. Lau moved, seconded by Mrs. Babineau, that the Animal Species Advisory Commission recommend approval of Brewer Chemical Corporation's CDUA to transport Eucheuma to the Reef Runway Pond for experimental cultivation.

Discussion followed.



Minutes of 4/21/78 meeting -- 3

Chairman Conant expressed concern in that she still wasn't convinced there was absolutely no chance of Eucheuma escaping or being removed by unauthorized persons. She suggested that the planting site be moved 10 to 20 feet away from the shore along the Runway edge.

Mr. Maurina replied that moving the site 20 feet from shore will not be any problem. In fact he said this was one of the concerns of some committee and that is the reason he had thoroughly pursued security measures at the airport with Mr. Miyamoto. Unauthorized persons going into the Pond is almost nil since security of the Reef Runway perimeter has been increased.

Mr. Hanaoka said that the Department of Agriculture earlier disapproved Brewer's request to transfer Eucheuma from Kaneohe Bay to the Reef Runway Pond because the Pond had a direct access to the sea. Kahuku Seafood Farm which had received approval had a closed system and the probability of the seaweed escaping the Farm was very slim. He said that the permit issued to KSFF had very stringent conditions stipulated in it--that the seaweed be grown only where the closed saltwater system tests were conducted; that KSFF be held responsible and accountable for the safe transfer and eradication of the Eucheuma seaweed in the event of escapement; that KSFF patrol the open cove adjacent to the plantings to detect and prevent escapement or human distribution; that no Eucheuma propagulae be sold or made available in any way which will permit unauthorized transplantation elsewhere.

Dr. Ziegler suggested that another condition be added to Brewer's requested permit--Brewer be held responsible for the removal of Eucheuma for an unlimited period of time should Brewer terminate its cultivation.

Dr. Radovsky moved, and it was seconded and unanimously carried to amend Mr. Lau's motion by adding "with whatever requirement for precautionary measures or assignment of responsibilities that the Department of Agriculture may deem necessary."

Mr. Lau's amended motion was unanimously carried:

MOTION: That the Animal Species Advisory Commission recommends the approval of Brewer Chemical Corporation's CDUA to transport Eucheuma to the Reef Runway Pond for experimental cultivation, with whatever requirement for precautionary measure or assignment of responsibilities that the Department of Agriculture may deem necessary.

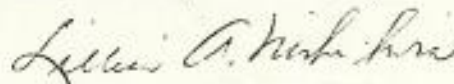
#### NEXT MEETING

Next meeting scheduled for Friday, May 19, 1978.

#### ADJOURNMENT OF MEETING

Meeting adjourned at 4:45 p.m.

Respectfully submitted,



LILLIAN A. NISHIHIRA  
Secretary Pro-tem



GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

October 6, 1978

Animal Species Advisory Commission

Sheila Conant, Chairman

Frank Radovsky, Vice-Chairman

DATE: Thursday, October 12, 1978

PLACE: Kalanimoku building, Conference Room #322-C, 3rd floor,  
1151 Punchbowl Street, Honolulu, Hawaii

TIME: 1:00 p.m.

A G E N D A

1. Election of Officers: Chairman and Vice-Chairman
2. Acceptance of Minutes of 5/19/78 and 9/15/78 Meetings.
3. Review and Comment:  
Proposed Amendment to Regulation 40, Concerning the Establishment,  
Protection and Conservation of the Manele-Hulopoe Marine Life  
Conservation District, Island of Lanai.
4. Information only:  
Governor's Acceptance of EIS for Kekaha Game Management Area Noxious  
Control Shrub Control Project, Kekaha, Kauai.
5. Information only:  
New Public Hunting Areas to be Opened in Waimea Canyon and Mokiha  
na on West Kauai (Gay and Robinson Revocable Permit).
6. Information only:  
Governor's approval of Regulation 7, Concerning the Establishment,  
Protection and Regulation of the Hawaii State Seabird Sanctuary  
(effective date: October 12, 1978).

attachments:

Parking permit  
Purchase Order (Inoue, Yee, Duarte)  
Proposed Regulation 40