

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, HI, 96813

January 8, 2010

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: REQUEST REVIEW FOR APPROVAL TO RELEASE FOR PUBLIC REVIEW THE KAHEAWA WIND POWER II WIND ENERGY GENERATION FACILITY HABITAT CONSERVATION PLAN, ISLAND OF MAUI, HAWAI'I

SUMMARY:

Submitted for your approval to release for public review is the draft "Kaheawa Wind Power II Wind Energy Generation Facility Habitat Conservation Plan, Ukumehame, Maui, Hawai'i" (Attachment I). The purpose of this draft Habitat Conservation Plan (HCP) is to mitigate for potential injury and death to endangered 'ua'u (Hawaiian petrel, *Pterodroma sandwichensis*), 'a'o (Newell's shearwater, *Puffinus auricularis newelli*), nēnē (Hawaiian goose, *Branta sandvicensis*), and 'ōpe'ape'a (Hawaiian hoary bat, *Lasiurus cinereus semotus*) caused by construction and operation at the Kaheawa Wind Power II (KWPII) facilities. The draft HCP outlines provisions for net benefit to the covered species and environment, and contributes to the recovery of each of these species. Release for public review of a previous draft was approved on March 27, 2009 by the Board of Land and Natural Resources. The applicant has since made significant changes to the project description and submitted a new draft HCP, which warrants an additional public review.

BACKGROUND:

Significant changes outlined in the project description of the new draft HCP consist of a new turbine layout. KWPII is proposing to develop a 21 megawatt (MW) wind farm on approximately 143 acres of State Conservation District lands, south east of the existing 30 MW Kaheawa Wind Power project (KWPI), which is operated by a sister entity under First Wind LLC. In the previous KWPII draft HCP, turbines were proposed to be placed immediately adjacent and to the west of the existing 30 MW KWPI. The turbine layout changes are based upon new meteorological data collected. Based on radar and audio

Complete avoidance of risk to the four listed wildlife species is not possible for the project; therefore, KWPII has proposed a number of measures to minimize the risk of collisions and light attraction. For example, they have proposed to place the turbines in single rows, rather than staggered, to minimize collision risk; use of monopole steel tubular towers with lower rotational speeds; minimizing use of lights at night associated with construction activities, buildings, and FAA required lighting for the turbines; visibility enhancements on wind monitoring towers, and monitoring of nesting activities to minimize adverse risk to present nēnē and their nests.

A post-construction monitoring and adaptive management program has been proposed to address post-construction take of seabirds, nēnē, and 'ōpe'ape'a, and to determine and address adaptive management needs, to improve existing methods and address dynamic conditions. Post-construction monitoring will identify whether threatened or endangered bird and bat species are injured or killed from collision with one or more of the turbines and will document impacts to other non-listed species. First Wind has an ongoing Wildlife Education and Observation Program for all staff members that will be on the property on a regular basis, and will expand this to include KWPII.

Mitigation proposed for each of the four listed species is designed to not only compensate for take that may occur as a result of collision with turbines, but also provide a net conservation benefit for the species addressed and to contribute to their recovery. The HCP includes a tiered take approach in which mitigation is commensurate with level of take. For example, proposed seabird mitigation includes predator proof fencing and predator control to protect part of the Makamaka'ole seabird colony in West Maui; if higher than baseline take occurred, a social attraction program at the site and invasive species control, or protection of a second site, would be required. For baseline levels of take of nēnē, mitigation would focus on protection and management of the Hana'ula colony, including providing predator control and assisting in DOFAW nēnē management activities for baseline take, or reintroduction at another site. Higher take would require additional reintroductions or additional habitat improvements. Baseline 'ōpe'ape'a mitigation includes funding of appropriate research, participation in the statewide census, and conducting on-site and near-site research in conjunction with USGS researchers; higher levels of take would require greater levels of effort in these areas, and possible curtailment of turbines at low wind speeds (associated with higher bat mortality).

Semi-annual reports, including all data, would be submitted to DOFAW and USFWS, followed by semi-annual review meetings with the agencies to determine appropriate adaptive management actions, and to ensure timely implementation of HCP requirements. Annual reports would be reviewed by the Endangered Species Recovery Committee (ESRC). These reports would summarize the results of the post-construction monitoring surveys, document take, if any, and recommend any changes needed to the monitoring protocol. Any incidental take of one of these covered species is to be reported within 24 hours and the cumulative adjusted take reported within two weeks.

Attachment I. "Kaheawa Wind Power II Wind Energy Generation Facility Habitat Conservation Plan, Ukumehame, Maui, Hawai'i."*

Attachment II. ESRC Recommendations. (Included as part of item C-3)

*Note: Due to the size of this attachment, the written version is available for viewing online at <http://hawaii.gov/dlnr/chair/meeting>

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LAND
STATE PARKS

January 8, 2010

TO: Honorable Chairperson and Members
Board of Land and Natural Resources

FROM: Endangered Species Recovery Committee (ESRC)

Loyal Meyerhoff, USFWS
Bill Standley, USFWS
Gordon Tribble, USGS
Jim Jacobi, USGS
Laura H. Thielen, DLNR
Scott Fretz, DLNR/DOFAW
Pat Hart, Environmental Center
Cliff Morden, Appointed Member
John Harrison, Appointed Member

SUBJECT: ESRC recommendation for approval for release for public review the Kaheawa Wind Power II Wind Energy Generation Facility Habitat Conservation Plan, Island of Maui, Hawai'i.

The ESRC has been requested to make recommendations regarding the Kaheawa Wind Power II Wind Energy Generation Facility Habitat Conservation Plan, Island of Maui, Hawai'i, for release for public review. The purpose of this draft Habitat Conservation Plan (HCP) is to mitigate for potential injury and death to endangered 'ua'u (*Pterodroma sandwichensis*), 'a'o (*Puffinus auricularis newelli*), nēnē (*Branta sandvicensis*), and 'ōpe'ape'a (*Lasiurus cinereus semotus*) caused by project construction and operation at the facilities. The draft HCP outlines provisions for net benefit to the species and environment, and contributes to the recovery of each of these species.

The ESRC agrees with the purpose and intent of the proposed HCP, and anticipates its progression through the public review process. The ESRC recommends that the Board approve for public release the Kaheawa Wind Power II Wind Energy Generation Facility Habitat Conservation Plan, Island of Maui, Hawai'i.