

State of Hawai'i
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 Division of Forestry and Wildlife
 Honolulu, Hawai'i 96813

June 9, 2016

Endangered Species Recovery Committee
 State of Hawai'i
 Honolulu, Hawai'i

Committee Members:

SUBJECT: REQUEST FOR COMMENTS ON THE PAKINI NUI WIND ENERGY PROJECT DRAFT HABITAT CONSERVATION PLAN

BACKGROUND:

Pursuant to Hawaii Revised Statutes Chapter 195D, Tawhiri Power LLC is requesting a 20-yr Incidental Take License (ITL) from the Board of Land and Natural Resources for the existing, currently operating 21-megawatt, Pakini Nui wind energy facility with 14 turbines, located near South Point on the island of Hawai'i on private property. As of March 2016 two endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) fatalities have been observed at the Project (in 2013 and 2016). Tawhiri has determined that the incidental take of four endangered species, including the bat could occur from continued project operation. Low wind speed curtailment will be employed as an impact minimization measure for the bat.

INCIDENTAL TAKE AND MITIGATION PROPOSED:

The Project has the potential to result in incidental take of species listed under the Federal Endangered Species Act and State Endangered Species Statutes. Incidental take is determined from direct take and indirect take because it is possible that the death of a listed adult during the breeding season could result in loss of eggs or dependent young. The following listed species have the potential to be killed or injured by colliding with project wind turbine generators or during project activities: Hawaiian hoary bat, Hawaiian petrel, Band-rumped storm petrel, and Hawaiian goose or Nēnē.

Common Name	Scientific Name	Tier Level	Requested Incidental Take Authorization
Hawaiian Hoary Bat 'Ōpe'ape'a	<i>Lasiurus cinereus semotus</i>	Tier 1	39 bats
		Tier 2	61 bats
		Tier 3	83 bats
Hawaiian Petrel 'Ua'u	<i>Pterodroma sandwichensis</i>	NA	2 Adults/fledglings 1 Chick/egg

Common Name	Scientific Name	Tier Level	Requested Incidental Take Authorization
Band-rumped Storm Petrel	<i>Oceanodroma castro</i>	NA	2 Adults/fledglings 1 Chick/egg
Hawaiian Goose Nēnē	<i>Branta sandvicensis</i>	NA	3 birds

Mitigation for the Hawaiian hoary bat incidental take will consist of habitat improvement at the Kahuku Unit of Hawai‘i Volcanoes National Park (HAVO) and associated bat and bat prey monitoring to evaluate the improvement with funding at \$50,000 per bat. Mitigation for the Hawaiian petrel and Band-rumped storm petrel will consist of a monetary contribution toward maintenance of a cat-proof fence around a seabird nesting colony at HAVO and predator control. Mitigation for Nēnē is contribution of funding for the species recovery with specific funding for DOFAW Nēnē recovery efforts on Hawai‘i Island. All mitigation measures were developed to provide a net ecological benefit to the affected species.

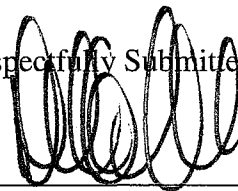
ANALYSIS & RECOMMENDATIONS:

DOFAW Staff has worked with Tawhiri Power and its contractor through several rounds of revisions of the draft HCP. The following are concerns that Staff have with the current version of the document:

- *Section 4.1. Hawaiian Hoary Bat [Take Analysis].* The plan should provide details about the two previous documented takes in this section or elsewhere in the document. In addition, since the wind turbines are currently operating, the estimated take using the most recent searcher efficiency and carcass retention results should be provided. We would also like to see genetic testing done to determine the sex of bats that cannot be determined upon observation.
- *Section 4.1.2. Indirect Effects Rising to the Level of Take.* For determination of bat indirect take the period used in which bats have dependent young is too small (1 month) and should be increased based on a conservative interpretation of the literature until we have more specific data for our Hawaiian subspecies.
- *Section 6.2.2. Research.* The proposed acoustic research, as well as research on prey availability, is presented in concept but a more detailed, separate plan will be needed. Because bat research is currently being considered by the agencies under a more comprehensive and prioritized approach and under a specific RFP process being developed at the direction of the ESRC, the conceptual approach for research currently described in the draft HCP may not be in accord with the new recommended research priorities and/or procedures.
- *Section 6.3. Hawaiian Petrel [Mitigation].* More detailed information is needed in this section on the mitigation actions being proposed by HAVO using the specific funds provided under this HCP. The measure of success for the Hawaiian petrel should be stated as resulting in one more fledgling or adult than that required to compensate for the requested take to achieve a net benefit. Providing the funding is to achieve that success.

- *Section 6.5. Nēnē [Mitigation]*. The measure of success for Nēnē should be stated as resulting in one more fledgling or adult than that required to compensate for the requested take to achieve a net benefit. Providing the funding is to achieve that goal.
- *Section 7.2.1. Compliance Monitoring*. The option for Tawhiri to conduct compliance fatality monitoring should be revised to specify third-party monitoring until the wildlife agencies deem it appropriate for modification under adaptive management.
- *Section 7.2.2. Effectiveness Monitoring*. More detail is needed for the success criteria for the Hawaiian petrel and Band-rumped storm petrel mitigation. Since the mitigation proposal is for Pakini Nui as well as another site (Lalamilo), allocation also needs to be addressed.
- *Section 7.2.3. Reporting*. The HAVO Kahuku unit restoration proposal contains no information on reporting. Details on how the restoration progress will be reported are needed. Semi-annual reporting is not mentioned and needs to be included.
- *Section 9.2. Funding Strategies*. The funding strategy is not clearly specified after year 15 of the ITL/ITP term.
- *Section 9.3. Funding Assurances*. The funding assurance language is not specific enough. In addition the current language does not specify the value of the assurances for monitoring and mitigation that will be provided, when it will be provided in relation to the HCP implementation, and any triggers. Our recommendation for the funding assurance trigger for the next tier is when 75% of the current take level is reached.
- *Appendix B Mitigation Costs and Funding*. The budget needs clarification, included a line item for DOFAW compliance monitoring funding.

Respectfully Submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife