

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

October 19, 2017 ESRC Meeting

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

Committee Members:

SUBJECT: REQUEST FOR COMMENTS ON THE DRAFT KAHEAWA WIND POWER II
HABITAT CONSERVATION PLAN AMENDMENT (SEPTEMBER 2017),
ISLAND OF MAUI

BACKGROUND:

Kaheawa Wind Power II (KWP II) operates a 21-megawatt wind energy generation facility on leased State of Hawaii Conservation District lands near Mā'alaea on Maui, Hawai'i, supplying electricity to Maui Electric Company Ltd. The project has an approved Habitat Conservation Plan (HCP) and associated Incidental Take License (ITL) that was issued January 5th, 2012 for take of three bird species and one bat species protected under state and federal endangered species laws. Estimated take for two of those species, the Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) and Nēnē (*Branta sandvicensis*), have been higher than anticipated in the original HCP. As a result the applicant has requested an amended HCP and amended ITL that increase the incidental take request for these two species over the remaining 20-year permit term.

The September 2017 Draft HCP Amendment includes revisions from the previous draft plan which the ESRC reviewed and provided recommendations during the September 8, 2015 ESRC meeting. Extensive consultations with the applicant and the U.S. Fish and Wildlife Service (USFWS) have been ongoing since the September 2015 ESRC meeting and many revisions have been made. Extensive revisions were made due to recent developments in USFWS policy and guidance for HCPs. Revisions were made due to ESRC and agency concerns about the research projects originally proposed as mitigation for the Hawaiian Hoary Bat and the lack of detail and rigor. To address this issue a subcommittee appointed by the ESRC was formed to develop a Request for Proposals (RFP) for Hawaiian Hoary Bat research and to review the resulting proposals. This was completed and presented to the ESRC with a set of projects that met the RFP and scientific research standards. The ESRC approved these and provided KWP II (and other applicants) with the option of contracting these projects for the required mitigation.

INCIDENTAL TAKE AND MITIGATION PROPOSED:

The HCP Amendment requests additional take for the Hawaiian Hoary Bat and Nēnē, as summarized in Table 1 by tiers. The original HCP and ITL permitted the incidental take of 11 bats

and this 2017 amendment requests an additional take of 37 bats. The original HCP and ITL permitted the incidental take of 30 Nēnē and this 2017 amendment requests an additional 11 Nēnē.

Table 1. Take Levels Requested by Tier

Common Name	Scientific Name	Tier (Not Additive)	Permitted or Requested Take
Nēnē (Hawaiian goose)	<i>Branta sandvicensis</i>	Tier 1 (Permitted)	21
		Tier 2 (Permitted)	30
		Tier 3 (Amendment)	36
		Tier 4 (Amendment)	41
‘Ōpe‘ape‘a (Hawaiian hoary bat)	<i>Lasiurus cinereus semotus</i>	Tier 1 (Permitted)	7
		Tier 2 (Permitted)	11
		Tier 3 (Amendment)	45
		Tier 4 (Amendment)	48

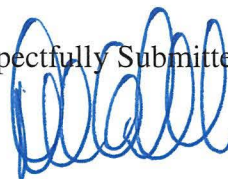
Mitigation for new tiers 3 and 4 for 11 additional Nēnē would be mitigated by funding management of Nēnē by the Hawai‘i Department of Land and Natural Resources, Division of Forestry and Wildlife. This funding would be a continuation of funding already occurring under the current HCP. Mitigation would include Nēnē pen maintenance and potential new construction, predator control, vegetation management, and monitoring.

Mitigation for new tier 3 for 34 additional bats is funding of a research project proposed by the U.S. Geological Service for study of movements, roosting behavior, and diet on the Island of Hawai‘i. Tier 4 would be for 3 additional bats and, if reached, would be mitigated through additional research, restoring bat habitat, or through providing funds for an approved federal and state Hawaiian hoary bat in lieu fee program.

RECOMMENDATION:

DOFAW requests that the ESRC provide comments on the September 2017 Draft HCP Amendment for KWP II. The applicant has worked closely with DOFAW HCP staff and has incorporated all revisions to the amendment requested by staff. On October 8, 2017 the Draft HCP Amendment was published in the Environmental Notice for public review and comment and a public hearing will be scheduled.

Respectfully Submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife