

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

August 20, 2015

Endangered Species Recovery Committee
State of Hawaii
Honolulu, Hawaii

Committee Members:

SUBJECT: SUNEDISON MAJOR AMENDMENT REQUEST.

BACKGROUND:

SunEdison's Kaheawa Wind Power II (KWP II) Wind Energy Generation Facility (Board approved 2011) is requesting a major amendment for an increase in Hawaiian hoary bat and Nēnē take. Take of Hawaiian hoary bats at wind facilities in Hawai'i has exceeded what was expected by the agencies, applicants, and their consultants at the outset of the development of these facilities and their Habitat Conservation Plans (HCPs). The KWP II facility has exceeded their permitted take of 11 bats, based on three (3) documented fatalities and the associated unobserved and indirect take, and they are currently requesting an additional take of 69 bats split into two tiers of take (Tier 3: 39 bats, Tier 4: 30 bats), for a total take request of up to 80 bats. The facility has not yet exceeded their permitted take of Nēnē (27 adults and three juveniles), but given the number of observed fatalities (three as of July 1, 2015), it is anticipated that the permitted take level will be exceeded before the end of the permit term. Therefore, KWP II is requesting two additional tiers of take for total coverage of up to 48 Nēnē (Tier 3: 40 Nēnē, Tier 4: 48 Nēnē).

SunEdison has put together a major amendment package (attached) including revisions to the text of the HCP, a mitigation proposal for Tiers 3 & 4 of both bat and Nēnē take, fatality estimations, and a funding matrix. SunEdison is in compliance with mitigation associated with Tier 1 and 2 levels of take under their original permit. Some of this information was presented to the ESRC during the March 31, 2015 meeting under Item 4: *Request for determination from the Endangered Species Recovery Committee on post-intensive downed wildlife monitoring protocols at SunEdison facilities on O'ahu and Maui*. The issue was also raised during the April 14 & 15, 2015 ESRC Hawaiian hoary bat workshop.

DOFAW staff has developed a Hawaiian hoary bat white paper guidance document that is also being submitted to the ESRC for review and approval. Although the document is

not yet finalized, SunEdison attended the workshop, consulted with DOFAW staff, and has incorporated the draft guidance into the development of their mitigation proposal.

RECOMMENDATION:

DOFAW staff recommends approval of the major amendment request. However, DOFAW hopes the ESRC will stress the importance of avoidance and minimize measures that will prevent take, particularly bat take, from reaching the maximum permitted level, especially within the context of cumulative effects from other windfarms on Maui and throughout the state.

Respectfully Submitted,



Galen K. Kawakami, Acting Administrator
Division of Forestry and Wildlife