

KWP II HCP Amendment

Public comments submitted during HRS Chapter 195d public comment period.

Submitted by applicant
with applicant responses

Date	Commenter Name	Affiliation	Comment Summary	Response
12/5/2017	Lisa Benleky	Center for Biological Diversity	The revised calculation for estimated take is unclear or incorrect. LWSC discussion is factually incorrect. Should consider new research options for avoidance. Do not use tiered process. No logic path for how research will benefit bats. The cost per taken bat is underestimated and lacks inflation adjustment.	The calculation for estimated take of Hawaiian hoary bat and nene was developed with input from USFWS and DOFAW and adheres to the guidance provided. More detail was added to the discussion regarding LWSC in sections 4.2.2, 4.2.3, and appendix 33. The option for research as mitigation is supported by USFWS and DOFAW, with the logic path provided by DOFAW's 2015 Hawaiian hoary bat white paper, which is referenced in the HCP amendment. As detailed in section 6.7.4.1, the measures of success of the bat mitigation project are not only based on a dollar amount, but also include that certain criteria are achieved by the mitigation project.
12/9/2017	Jade Smith	Aha Moku	Would like to request a public meeting or public review extension since this community did not receive notice about the last public meeting or about the HCP.	All required public review criteria have been met. In addition, the draft supplemental EIS for the amended HCP will be available for public comment from August 8, 2019 until September 23, 2019, which is another chance for public review. Finally, the public is welcome at the ESRC meetings during which this project is a topic for discussion.
12/6/2017	Jim Wiegand	None	Does not agree with research methods used to calculate take; methods are biased and unscientific.	The increases in projected take for Hawaiian hoary bat and nene are due to improvements in compliance monitoring and advances in take estimation and modeling methods. Estimates now include improved searcher efficiency (SEEF) using canine assistance, longer carcass retention (CARE) time due to trapping of scavengers, and increased visibility through vegetation management. The take numbers proposed in the amendment have been calculated according to the USFWS and DOFAW protocol and with their guidance.
12/7/2017	Albert Perez	Maui Tomorrow Foundation	There are omissions and misstatements of facts. The HCP should contain a description of the Battery Energy Storage System (BESS) and its fire risk. Need to add economic benefit to MECO's customers from the current KWP II price structure vs MECO's actual cost of making power today. Should use a curtailment wind speed that is based on high wind conditions when bats will not emerge or be active. Should discuss errors made that explain why more take is needed than originally calculated.	Risks associated with use of the BESS and the economic benefit to MECO's customers is beyond the scope of this document, which focuses on the potential to take endangered species. LWSC is discussed in depth in the revised sections 4.2.2 and 4.2.3 of the amendment. Please see the revised section 1.4.5 for an in-depth description of why an amendment is necessary at this time.
12/8/2017	Lori Dante	Resident	Opposes the HCP amendment.	Thank you for your comment. The Proposed Action would result in benefits at the local and state level by producing clean, renewable energy in line with Hawai'i's clean energy goals. Effects to Hawaiian hoary bat and nene would be offset by funding research, acquiring land for conservation, and funding management of a nene breeding pen to mitigate for the take of each species. Based on the mitigation efforts, no adverse impacts to either species is anticipated.

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12/7/2017	Gil Riviere	Senator, District 23	Hawaii law regulatory requirements should be included. Discussion on fossil fuel consumption does not account for the cost of spinning reserve. LWSC should be expanded to 6.5 m/s for Tier 3 and full night time curtailment for Tier 4. Should discuss changed circumstances/wind speeds and improvements to compliance monitoring. There is no analysis of potential impact to recently listed species. Funds directed at Kahikinui Forest restoration may not be appropriate. Need to state how KWP II will ensure a net benefit will result for HHB. The lack of knowledge of HHB should not be considered a threat nor an action.	Hawaii law regulatory requirements are described in sections 1.3.5 and 1.3.6 of the amended HCP. The discussion comparing the reduced pollutants resulting from production of wind energy versus fossil fuels (section 1.4.2.1) is intended to support the need of the project to help reduce carbon emissions. Alternative 3 (section 4.2.3) discusses increasing LWSC to 6.5 m/s. Full nighttime curtailment was analyzed in the associated SEIS. Adaptive management triggers are in place that will dictate the need to change the LWSC regime over time. Please see the revised section 1.4.5 for an in-depth description of why an amendment is necessary at this time. KWP II will continue to work with USFWS and DOFAW to ensure the mitigation funding is well-placed and that a net benefit is achieved.
12/6/2017	Linda Berry	Resident	Opposes increased take.	Thank you for your comment. The Proposed Action would result in benefits at the local and state level by producing clean, renewable energy in line with Hawai'i's clean energy goals. Effects to Hawaiian hoary bat and nene would be offset by funding research, acquiring land for conservation, and funding management of a nene breeding pen to mitigate for the take of each species. Based on the mitigation efforts, no adverse impacts to either species is anticipated.
12/7/2017	Jeanie Vance	KW Island Living	Opposes the HCP amendment.	Thank you for your comment. The Proposed Action would result in benefits at the local and state level by producing clean, renewable energy in line with Hawai'i's clean energy goals. Effects to Hawaiian hoary bat and nene would be offset by funding research, acquiring land for conservation, and funding management of a nene breeding pen to mitigate for the take of each species. Based on the mitigation efforts, no adverse impacts to either species is anticipated.
12/7/2017	Cody Nemet Tuivaiti	Aha Moku	There is not enough information on HHB for the project to move forward. KWP II should stick to their original take limit that was set. Endemic plants should not be removed from the project area as a method to deter native birds.	Thank you for your comment. The intent of the research proposed in section 6.7.3.2.7 and Appendix 30 of the amendment is to learn more about the population. Endemic plants will not be removed to deter birds.
12/7/2017	Vernon Kalanikau	Aha Moku	Not enough notice was given to the public to read the HCP. Request to postpone the HCP process and set up a meeting with Aha Moku councils on Maui. Opposes the increased bat take and relocation of nene habitat.	All required public review criteria have been met. In addition, the draft supplemental EIS for the amended HCP will be available for public comment from August 8, 2019 until September 23, 2019, which is another chance for public review. Finally, the public is welcome at the ESRC meetings during which this project is a topic for discussion. The nene mitigation project does not relocate nene habitat, but rather provides protection from predation in current habitat.
12/7/2017	Tina Wildberger	Resident	Opposes increased take. KWP II should explore mitigation programs and curtail operations.	The HCP contains several options for mitigation under each alternative and in Chapter 6. KWP II continues to curtail operations during low wind speeds.
11/27/2017	Doug McLeod	Maui Tomorrow Foundation	The community meeting was not publicized well and there is no ongoing contact with the community. There are omissions and misstatements of facts. The HCP should contain a description of the Battery Energy Storage System (BESS) and its fire risk. Need to add economic benefit to MECO's customers from the current KWP II price structure vs MECO's actual cost of making power today. Should use a curtailment wind speed that is based on high wind conditions when bats will not emerge or be active. Should discuss errors made that explain why more take is needed than originally calculated.	All required public review criteria have been met. In addition, the draft supplemental EIS for the amended HCP will be available for public comment from August 8, 2019 until September 23, 2019, which is another chance for public review. Finally, the public is always welcome at the ESRC meetings during which this project is a topic for discussion. Risks associate with use of the BESS and the economic benefit to MECO's customers is beyond the scope of this document, which focuses on the potential to take endangered species. LWSC is discussed in depth in the revised sections 4.2.2 and 4.2.3 of the amendment. Please see the revised section 1.4.5 for an in-depth description of why an amendment is necessary at this time.

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12/6/2017	Sally Kaye	Resident	The HCP does not address or mitigate for the inadequately anticipated take levels. KWP II rejects measures to reduce take (night-time curtailment or LWSC) for its own benefit, not as a benefit to the species. KWP II should be required to implement Alternative 3, and after one year if not reduction in take is found, should cease all night-time operations.	Thank you for your comment. Mitigation under the approved HCP has already been implemented and is being monitored to ensure a net benefit to the population. Adaptive management measure and triggers are in place that will require a change in curtailment regime if take increases further.
11/27/2017	Albert Perez	Maui Tomorrow Foundation	KWP II should look at other alternatives, and bat population studies should be completed before the wind facility can operate. The financial costs of wind power may be greater than the savings it provides.	Thank you for your comment. Section 4.2 of the HCP amendment describes the alternatives considered. The intent of the research proposed in section 6.7.3.2.7 and Appendix 30 of the amendment is to learn more about the population so that future mitigation projects can be more effective. Section 1.4.2 explains the purpose and need for the project.
11/27/2017	Unknown	Unknown	May be a violation of the ESA. Alteration of vegetation around the wind turbines could impact species. Regarding hoary bats and wind turbines, studies in other places, e.g. Sweden, have shown high levels of kills.	KWP II is seeking an HCP amendment in accordance with Section 10(a)(1)(B) of the Federal Endangered Species Act (ESA) of 1973 and Chapter 195-D, Hawai'i Revised Statutes. Impacts of vegetation alteration was analyzed in the project's 2010 EIS, with DLNR as the accepting agency. Effects to Hawaiian hoary bat and nene would be offset by funding research, acquiring land for conservation, and funding management of a nene breeding pen to mitigate for the take of each species. Based on the mitigation efforts, no adverse impacts to either species is anticipated.
11/27/2017	Cody Nemet Tuivaiti	Aha Moku	Regarding cultural impacts, the word "take" can mean genocide. There is not enough understanding of bat populations. Every animal and plant has something to do with balance, and if we keep taking them, we will have nothing left. There's a lot more to learn.	The term "take" is specifically defined in the Endangered Species Act as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The intent of the research proposed in section 6.7.3.2.7 and Appendix 30 of the amendment is to learn more about the population so that future mitigation and conservation projects can be more successful. Effects to Hawaiian hoary bat and nene would be offset by funding research, acquiring land for conservation, and funding management of a nene breeding pen to mitigate for the take of each species. Because of the mitigation efforts, no adverse impacts to either species is anticipated.
11/30/2017	R. Catiel	None	Opposes the increased take.	Effects to Hawaiian hoary bat and nene would be offset by funding research, acquiring land for conservation, and funding management of a nene breeding pen to mitigate for the take of each species. Because of the mitigation efforts, no adverse impacts to either species is anticipated.
12/1/2017	Debra Greene	None	Opposes the increased take.	Effects to Hawaiian hoary bat and nene would be offset by funding research, acquiring land for conservation, and funding management of a nene breeding pen to mitigate for the take of each species. Because of the mitigation efforts, no adverse impacts to either species is anticipated.
11/26/2017	Clifton M. Hasegawa	Hasegawa & Associates, LLC	Supports the HCP amendment.	Thank you for your support.
11/28/2017	Judy Taggerty	None	Opposes construction of KWP II.	Effects to Hawaiian hoary bat and nene would be offset by funding research, acquiring land for conservation, and funding management of a nene breeding pen to mitigate for the take of each species. Because of the mitigation efforts, no adverse impacts to either species is anticipated.