

**Kaheawa Wind Power I**  
**Habitat Conservation Plan**  
*Key Concepts and Process Summary*

**To:** Endangered Species Recovery Committee (ESRC) Members

**From:** Molly Stephenson, Kaheawa Wind Power, LLC

**Date:** September 20, 2024

**Re:** Overview of Habitat Conservation Plan for the Kaheawa I Wind Project

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Kaheawa Wind Power, LLC (“KWP I”) owns and operates the Kaheawa Wind Farm, a 20-turbine wind farm on the island of Maui (“KWP I Project”). The KWP I Project operates under a Habitat Conservation Plan (“HCP”), state Incidental Take License (“ITL”), and federal Incidental Take Permit (“ITP”). These project documents address the prospective incidental take of the ‘ōpe‘ape‘a (Hawaiian hoary bat; *Lasiurus semotus*), the nēnē (Hawaiian goose; *Branta sandvicensis*), the ‘a‘o (Newell’s shearwater; *Puffinus auricularis newelli*), and the ‘ua‘u (Hawaiian petrel; *Pterodroma sandwichensis*). The ITP and ITL were issued in January 2006 and are set to expire in January 2026.

The KWP I Project is seeking an amendment to the existing permits. The need for a KWP I amendment is being driven by a potential life extension of the wind facility after being selected in Maui Electric Company, Ltd.’s Stage 3 RFP in December 2023. The life of the project will be extended an additional 20 years through 2046. A Letter of Intent to amend the HCP and seek additional take coverage was sent to DOFAW and USFWS on May 3, 2024.

KWP I has been working closely with DOFAW and USFWS to begin developing an HCP to support the permit amendments, but wanted to bring the initial concepts of the HCP before the ESRC early in the process to solicit feedback as the documents are developed. Below are subjects that we will be presenting during the September 27, 2024 ESRC meeting. We look forward to discussing these topics with you further that day and continuing to engage the ESRC throughout the HCP development process.

**Covered Activities.** The continued operation of the existing facility through 2046 (20 years) and decommissioning of the facility at the end of the permit term. The facility will not require any new infrastructure, ground disturbing activities, or changes to the existing road infrastructure.

**Covered Species.** Four species are covered under the current HCP and existing permits. The same four species will continue to be covered under the proposed HCP and amended permits:

- ‘ōpe‘ape‘a (Hawaiian hoary bat),
- nēnē (Hawaiian goose),
- ‘a‘o (Newell’s shearwater),
- ‘ua‘u (Hawaiian petrel).

**Permit Area.** The permit area will remain the same as the current HCP and existing permits.

**Permit Term.** The permit term will be updated to cover a life extension of the operating facility through 2046.

**Take Estimation.** Increases to the permitted level of take are necessary simply due to the operation of the facility for an additional 20 years. Take estimation will be based on extensive monitoring and modeling that has occurred under the existing HCP and permits since 2006. The level of take expected for each species is generally expected to remain on the same trajectory for the next 20 years. At the request of USFWS, “tiers” of take authorization will not be included in the proposed HCP and permit amendments.

**Conservation Strategy.** The conservation strategy in the HCP will include avoidance, minimization, and mitigation measures aimed at fully offsetting the impact of take and providing a net benefit to covered species.

- **Avoidance and Minimization.** At the KWP I facility avoidance and minimization will continue to include the following:
  - Low-wind speed curtailment (no change to current protocols) but also exploring redistribution of curtailment informed by data on when bats are present and most active. The intention is to target curtailment to periods when there is an increased likelihood of take occurring in order to reduce take overall.
  - Vegetation management for nēnē. No change though this program is continually evolving and KWP I continues to track nēnē activity onsite and manage vegetation to minimize risk to individuals when they are present.
- **Mitigation.** Any take that cannot be avoided will need to be fully offset. In some cases, mitigation will involve the continuation of existing mitigation projects, although new mitigation projects are currently under development for some species as needed. The intention is to provide as much detail about the type and timing of mitigation for each covered species in the HCP so it is clear how mitigation will fully offset the impact of take. The HCP will include a provision for mitigation credit to “stay ahead” of species take in order to eliminate temporal impacts to covered species. Further, in order to satisfy state permitting requirements, a demonstration of how mitigation provides a net benefit to covered species will be provided to support issuance of state permits. A brief summary of potential mitigation by species is provided below:
  - ‘ōpe‘ape‘a (Hawaiian hoary bat): currently mitigated for 50 bats. HCP will include additional mitigation. The opportunities that are currently being explored include land acquisition and/or restoration.
  - nēnē (Hawaiian goose): mitigation will continue at nēnē release pens in Maui Nui, including efforts currently underway to increase production at the existing pen at Haleakalā Ranch and to expand mitigation efforts to Moloka‘i. Adaptive management actions will be included in the HCP to alter mitigation strategies as needed based on results to ensure a net conservation benefit.
  - ‘a‘o (Newell’s shearwater): currently mitigated for more than 4 ‘a‘o; no additional mitigation proposed.
  - ‘ua‘u (Hawaiian petrel): currently mitigated for 38 ‘ua‘u, with a surplus of more than 25 credits based upon the USFWS credit letter (still awaiting DOFAW concurrence); no additional mitigation proposed.

**Monitoring.** A monitoring program will be described in the HCP and implemented for the life of the permit to track actual take of covered species in order to determine whether the Project is in compliance with the HCP and permitted level of take. The monitoring program will be the same as the one that is currently implemented at KWP I. The monitoring program includes:

- Post-construction fatality monitoring
- Acoustic bat monitoring

KWP I is hoping to add a new element to the monitoring program which includes coordination with DOFAW on on-site nēnē monitoring program with banding. KWP I is interested in better understanding the local nēnē population and inform best practices for adaptive management. The details of this new nēnē banding and monitoring program are currently under discussion.

**HCP Process and Timeline.** KWP I has been coordinating with the USFWS and DOFAW on an outline of the KWP I HCP update and permit amendments for several months. The project will be reviewed under Hawai'i's environmental review process (commonly known as the Hawai'i Environmental Policy Act [HEPA]), pursuant to Chapter 343, Hawai'i Revised Statutes. An Environmental Impact Statement Preparation Notice (EISPN) is in preparation and will initiate public scoping, including holding a public scoping meeting near the project location on Maui. Issuance of an incidental take permit by the USFWS is a federal action subject to review under the National Environmental Policy Act (NEPA). Generally, KWP I anticipates completing the HEPA and NEPA processes in 2025, including circulation of the Draft HCP and Draft HEPA and NEPA documents in mid-2025 for public comment. Those approvals will support issuance of an amended state ITL and federal ITP by the end of 2025.

**ESRC Involvement:** KWP I plans to engage ESRC at least three times during the HCP development process. The HCP will be drafted after input received on the above subjects from the ESRC. As the draft HCP nears completion, KWP I will work with DOFAW to receive any additional ESRC input prior to circulation of the draft HCP for public review as required by HEPA and NEPA. After public review and any changes, the final HCP will be brought before the ESRC for approval.