

Kahuku Wind Power
Habitat Conservation Plan
Key Concepts and Process Summary

To: Endangered Species Recovery Committee (ESRC) Members

From: Molly Stephenson, Kahuku Wind Power, LLC

Date: September 20, 2024

Re: Overview of Habitat Conservation Plan for the Kahuku Wind Project

Kahuku Wind Power, LLC ("KAH") owns and operates the Kahuku Wind Farm, a 12-turbine wind farm on the island of O'ahu ("Kahuku Project"). The Kahuku Project operates under a Habitat Conservation Plan ("HCP"), state Incidental Take License ("ITL"), and a federal Incidental Take Statement (ITS) associated with a Biological Opinion ("BO"). These project documents address the prospective incidental take of the 'ōpe'ape'a (Hawaiian hoary bat; *Lasiurus semotus*), the ae'ō (Hawaiian stilt; *Himantopus mexicanus knudseni*), the 'alae ke'oke'ō (Hawaiian coot; *Fulica alai*), the koloa maoli (Hawaiian duck; *Anas wyvilliana*), the 'alae 'ula (Hawaiian gallinule; *Gallinula galeata sandwicensis*), the 'a'o (Newell's shearwater; *Puffinus auricularis newelli*), the 'ua'u (Hawaiian petrel; *Pterodroma sandwichensis*), and the pueo (Hawaiian short-eared owl; *Asio flammeus sandwichensis*). The ITP and ITS were issued in June 2010 and are set to expire in June 2030.

KAH is seeking an amendment to their existing ITL, along with a new Incidental Take Permit ("ITP") from the United States Fish and Wildlife Service ("USFWS"). The Kahuku amendment is being driven by the estimated take of 'ōpe'ape'a, which has exceeded the currently permitted amount of 23 adult bats after two 'ōpe'ape'a were found in FY 2024. KAH initiated the HCP amendment process via email on November 9, 2023, and sent a formal letter of intent to DOFAW and USFWS to seek additional take coverage on April 5, 2024.

KAH has been working closely with DOFAW and USFWS to develop an HCP to support the permit amendments, and requested 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 we will be presenting during the September 27, 2024 ESRC meeting. We look forward to discussing these topics with you further and continuing to engage the ESRC throughout the HCP development process.

Covered Activities. The continued operation of the facility through 2050 (26 years, including 6 years under the current PPA and a potential 20-year life extension) and decommissioning of the facility at the end of the permit term. In addition, KAH is requesting coverage for any potential changes to the turbines themselves, such as changes to the blade length.

Covered Species. Eight species are covered under the current HCP and existing permits. A subset of two of these species will continue to be covered under the HCP and amended ITL/new ITP:

- 'ōpe'ape'a (Hawaiian hoary bat)
- ua'u (Hawaiian petrel)

The other six species have no fatality records at wind facilities on O'ahu, and therefore, we anticipate take is not reasonably likely to occur.

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 the life extension of the operating facility through 2046.

Take Estimation. Increases to the permitted level of take are necessary due to the higher-than-anticipated take of 'ōpe'ape'a. Take estimation will be based on 14 years of extensive monitoring and modeling that has occurred under the existing HCP and permits since 2010, including the current monitoring regime which was established in 2015. The level of take expected for each species is expected to remain on the same trajectory for the next 20 years but will be adjusted to account for the use of acoustic bat deterrents as well as potential changes to turbine blade length. At the request of USFWS, "tiers" of take authorization will not be included in the 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 Kahuku facility, avoidance and minimization includes and will continue to include low-wind speed curtailment (no change to current protocols) but also will explore redistribution of curtailment informed by data on when bats are present and most active. The intention is to target curtailment to periods of an increased likelihood of take occurring towards overall take reduction. In addition, KAH is planning to install acoustic bat deterrents on all 12 turbines during FY 2025, along with four thermal imaging cameras to study and characterize bat responses to deterrents.
- **Mitigation.** Any take that cannot be avoided will need to be fully offset. To fulfill the balance of mitigation needs for the 'ōpe'ape'a, KAH is currently proposing a variety of mitigation measures, including extended management of the Helemano Mitigation Site, and additional land acquisition and/or restoration. For the ua'u, mitigation has already been completed for the requested level of take and no further mitigation is proposed for DOFAW. Additional mitigation will occur for USFWS. 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.

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 project operations are in compliance with the HCP and permits. The monitoring program will be the same as the one that is currently being implemented at Kahuku. The monitoring program includes:

- Post-construction fatality monitoring
- Acoustic bat monitoring

KAH is also proposing to add thermal imaging to study the effectiveness of bat deterrents.

HCP Process and Timeline. KAH has been coordinating with the USFWS and DOFAW on an outline of the Kahuku HCP in support of the permit amendments since November 2023. 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 Assessment is in preparation and will be available for public review and comment in 2025. Issuance of an incidental take permit by the USFWS is a federal action subject to review under the National Environmental Policy Act (NEPA). Generally, KAH 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 ITP and federal ITP in 2025.

ESRC Involvement: KAH 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, KAH 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.